DOCUMENT RESUME

ED 406 298 SO 027 274

TITLE	Update on Law-Related Education, v20, n1-3 1996.
INSTITUTION	American Bar Association, Chicago, Ill. Special Committee on Youth Education for Citizenship.
SPONS AGENCY	Department of Justice, Washington, D.C. Office of Juvenile Justice and Delinquency Prevention.
REPORT NO	ISSN-0147-8648
PUB DATE	96
CONTRACT	95-JS-FX-0017
NOTE	173p.
AVAILABLE FROM	American Bar Association, 541 North Fairbanks Court, Chicago, IL 60611-3313 ($30 per year).
PUB TYPE	Collected Works - Serials (022)
JOURNAL CIT	Update on Law-Related Education; v20 n1-3 1996
EDRS PRICE	MF01/PC07 Plus Postage.
DESCRIPTORS	Citizen Participation; *Citizenship Education; Civil Law; Civil Liberties; *Conflict Resolution; *Constitutional Law; Criminal Law; Democratic Values; Elections; Elementary Secondary Education; *Law Related Education; Social Studies
IDENTIFIERS	American Bar Association; Character Education; *United States Constitution

ABSTRACT

This document consists of one volume (3 issues) of a serial devoted to law-related education (LRE) that offers background information on a wide range of legal issues with teaching strategies for LRE. The themes for the issues include: (1) character education; (2) conflict resolution; and (3) the 1996 election. Each issue proposes teaching methods that involve class discussions and collaborative learning, such as mock trials, simulated public and Congressional hearings, and other role playing exercises. Some student handouts are included. (EH)

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WINTER 1996 / VOL. 20 NO. 1

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UPDATE ON LAW-RELATED EDUCATION

American Bar Association Special Committee on Youth Education for Citizenship

ED 406 298

Law Day 199

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How Might It Be Us for Achieving America's Civic Goals?

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THE U.S. CONSTITUTION

the original american dream

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1996 Law Day Program Ideas

See Your 1996 Law Day Catalog on Pages 52–60 for Materials to Help You Incorporate These Ideas into Your Law Day Instructional Activities.

Lawyers faced with the prospect of visiting a class during Law Week, or teachers stumped for an interesting way to present lessons about the Constitution, confront the same question: How do you make history—and a 200-year-old document—come alive for students weaned on MTV and Power Rangers? The answer: Rather than telling them about the people who created this country, show them that they *are* this country. Let them see their Constitution in action. Some suggestions:

Mock Trial Use sample cases provided by the ABA, or other LRE projects for all grade levels, or create your own, based on an issue of local interest. Through the trial process and analysis, students gain an insider's perspective on courtroom procedures. Trial preparation can coincide with lessons on due process or the topic of the trial. Lawyers can serve as coaches. The trial can be performed with a visiting attorney or judge presiding, who can evaluate students' performances and conclusions afterward. The trial can even be part of a large mock trial competition among classrooms or schools.

Moot Court Students are forced to think on their feet and put their reasoning skills to the test in this twist on the mock trial. After studying a unit on law, competing teams of students are given a legal point to research. An attorney is chosen from each team to argue the issue in front of the judge(s) in a 20-minute moot hearing. Actual lawyers from the community can serve as advisors and debrief the teams.

Forums Through forums, students can gain greater appreciation for diverse viewpoints on a current or historical topic. Here's an example: Students role-play the debate over ratification of the Constitution, which did not at first contain the Bill of Rights. Lawyers, judges, and other community representatives can participate as guest speakers/advisors. After students are surveyed on their initial opinions of elements of the Constitution and Bill of Rights, a moderator and clerk are chosen. Other students are assigned character roles as Framers, each of whom holds a distinct viewpoint on whether the Constitution should be ratified without provisions explicitly protecting certain rights. The remainder of the class participates as the audience and is responsible for asking questions and discussing the issues. At the end of the exercise, students fill out the survey again to see whether opinions have changed. The class then reaches consensus on each issue. (See your fall 1995 *Update on Law-Related Education* for this forum.)

Order in the Class In this format, courtroom personalities, including judges, lawyers, court recorders, and those involved in a past case, come to the school auditorium and try an abbreviated version of the case at a school assembly. Follow-up visits by lawyers or judges can help explain the proceedings.

Our Constitution Here's one that probably works best for the elementary grades: Following a lesson on the creation of the Constitution, help students draw up a class constitution and bill of rights. Use the completed and approved constitution as a basis for making class rules. Have students analyze a series of hypothetical situations to assess whether actions are "constitutional" or not.

Supreme Court Opinion Choose a recent Supreme Court case of interest to students. (*Vernonia v. Acton*, holding that drug testing of student athletes does not violate the Fourth Amendment, might be a good one. See your fall 1995 *Update on the Courts* for a summary of *Vernonia*.) Divide students into small groups and have them review the facts and issues of the case, but don't give them the decision. Ask them how they would decide the case if they were the Supreme Court. During debriefing, have them compare their decision with the Court's.

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Front Cover Illustration by David Csicsko Design by DePinto Graphic Design
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ISSN 0147-8648 PC #738-0100-2001
Funding for this issue has been provided by the American Bar Association Fund for Justice and Education; we are grateful for its support.
Update on Law-Related Education is published three times each year (winter, spring, fall) by the American Bar Association Special Committee on Youth Education for Citizenship. Chair: Al Ellis; Director, Division for Public Education: Mabel C. McKinney-Browning; Director, Youth Education Programs: Ronald A. Banaszak; Director, Publishing and Marketing: Seva Johnson
Update helps classroom teachers and law-related education program developers educate students about the law and legal issues. The views expressed in this document are those of the authors and have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association, the Fund for Justice and Education, or the Special Committee on Youth Education for Citizenship.

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For subscription and back issue information, contact American Bar Association/YEFC, 541 N. Fairbanks Court, Chicago, IL 60611-3314; (312) 988-5735; http://www.abanet.org/publiced/home.html FAX (312) 988-5032, ATTN.: UPDATE PLUS Circulation Manager. Internet: abapubed@attmail.com
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Contents

Volume 20, Number 1
Winter 1996
Law Day Issue

Character Education

2 Foreword *Diane G. Berreth*

4 The Commitment to Character: A Basic Priority for Every School
Ernest L. Boyer *discusses how the American dream can overcome some harsh realities.*

9 Reflections on Character, Global Civilization, and the Preservation of Enlightened Values
Václav Havel, *president of the Czech Republic, provides a foreign perspective that may inform the American view of civic-mindedness under our Constitution.*

12 **Teaching Strategy**—Consciences, Compasses, Codes, and Common Principles
Ann Blum *reflects on the Golden Rule—in the U.S. Constitution, Bill of Rights, and beyond.*

17 A Civic Framework for Successful Character Education Programs
Charles C. Haynes *explains how to frame character education programs with "three R's" taken from the First Amendment.*

20 **Teaching Strategy**—Youth Citizenship Awards Program
John Minkler *introduces a program that guides students not only to understand important constitutional values, but to practice them at school, in their community, and beyond.*

23 Character Education, the U.S. Constitution, and the U.S. Supreme Court
Stephen M. Boyd *discusses how public schools can provide positive moral education consistent with constitutional principles and sound educational practices.*

26 **Teaching Strategy**—The First Amendment and Character Education
Gordon Vessels *questions whether character development practices comply with the First Amendment's goals.*

29 Civic Virtue: Common Ground for Character Education and Law-Related Education Professionals
James S. Leming *explores ways character development can lead to the realization of the constitutional dream.*

33 **Teaching Strategy**—Quotations, Core Values, and Storytelling
Gayle Mertz *quotes from Thomas Jefferson to enlighten young citizens through storytelling and prepare them to exercise their citizenship powers under the Constitution.*

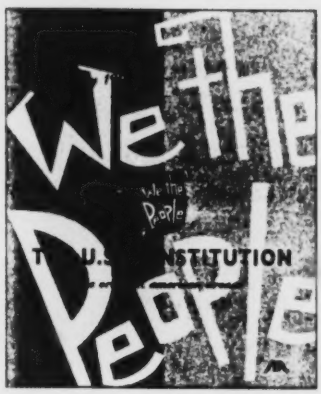
36 A Guiding Framework for Character Education
Sheldon Berman *identifies ways to help youth reflect on social and political issues to understand our laws and develop and exercise the virtues needed to realize the American vision of a just society.*

39 **Teaching Strategy**—Honesty Is Still the Best Policy
Hal Urban *presents thoughts about honesty, past and present—and questions whether our constitutional society can survive without it.*

44 Resources for Effective Implementation of Character Education
A. John Martin *lists resources that educators can consult to help implement a character education program.*

47 **Student Forum**—Will a School District's Character Education Proposal Help Its Students Attain the American Dream?
Frank Kopecky *highlights different perspectives that recognize and deny civic education's ability, legal basis, and/or relevance to realizing the American dream under the Constitution.*

52 1996 Law Day Catalog



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Foreword

Parents, political leaders, the media, and a growing number of educators are no longer satisfied with the moral climate of schools today. Some schools, they say (and they are right), are unsafe places where students and teachers may be subject to violence. Even where that is not the case, students in many schools are perceived as disrespectful, defiant, bigoted, and capable of cruelty to one another. Cheating, self-centeredness, and materialism are endemic, according to self-reports by students. In two recent national surveys, the Public Agenda Foundation found that safety, order, and basic skills ranked highest in what Americans, including public-school parents, expect from schools (*First Things First: What Americans Expect from the Public Schools*, Public Agenda, 1994). In their newest survey report, *Assignment Incomplete: The Unfinished Business of Education Reform* (1995), Public Agenda warned that support for public education is fragile, with the majority of respondents stating that private schools are safer, more secure, and do a better job of providing an environment that promotes honesty and responsibility.

Teachers and administrators are both being asked to think in new ways about our schools; reformers with high visibility ask questions such as, "What do we want all students to know and be able to do?" Answers to this and similar questions often focus on developing academic competencies, thinking skills, and workplace skills. I believe that responses to any questions about schools and school change must include attention to what it means to live a life of right conduct, that is, to be of good character.

My answer to the reformers' questions and to those of the media is an old one, found both in the history of American schools and in schools of other times and places. Early schools in America, after all, were founded as places for both moral education and basic academics. However, while schools today still provide a moral education, much of that education is submerged and tacit, unrecognized by its practitioners and the students they teach.

Parents and caretakers are children's first and most enduring moral teachers. But the job of developing good character does not rest only in the home. Character is also developed in the community, through schools, youth organizations, peers, and faith communities. Parents are clear about wanting schools to support core values. The good

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news is that schools are moral communities that support values. The tough questions are, "Which values?" and "How well do we support them?"

Moral life permeates schools. We have an opportunity with our students and parents to examine that life, determine what core moral values are most important, find out what common ground we all share, and then hold those values up in our teaching and in our interactions with one another.

I am not proposing a return to the lessons of *McGuffey's Reader.* Didactic instruction rarely carries the power of the sum of all interactions in a school day. I'm actually proposing something much more difficult—that we consider our schools as moral communities and thoughtfully shape all our school experiences, whether curriculum development, teaching, sports, discipline policies, faculty-staff relations, or student governance, in the light of building a strong and positive climate anchored in core values. That means considering how young people can learn to know the good, love the good, and do the good in their daily lives. I believe that young people want to be good, but they need support and opportunities to do so. That is, inevitably, part of a teacher's work with students.

Character education is a way of renewing the basic purposes of schooling. It adds language that has been missing too long from our discourse as teachers and educators. We are used to talking about preparing young people for democratic citizenship. We also need to talk about core values such as honesty, respect, responsibility, and caring—all critical to our survival as a democracy and as a people. At a time when young people are increasingly hurting themselves and others, adults are riven by differences, and our democracy seems fragile, I believe that living our life in school as part of a positive moral community offers our children, our students, and our country real hope for the future.

Diane G. Berreth

Diane G. Berreth
Deputy Executive Director of the Association for Supervision and Curriculum Development and President of the Character Education Partnership, Alexandria, Virginia

The Commitment to Character: A Basic Priority for Every School

How the American dream can overcome some harsh realities

Ernest L. Boyer

Update on Law-Related Education, 20.1, 1996, pp. 4–8. © 1996 American Bar Association.

A recent report by The Carnegie Foundation for the Advancement of Teaching, called *The Basic School*, presents four priorities we believe are appropriate for every school: First, bringing *people* together, to build *community;* second, bringing the *curriculum* together, to achieve *coherence;* third, bringing *resources* together, to enrich *climate*. The fourth priority, *A Commitment to Character*, raises the question of how everything else we propose for renewing schools will affect the lives of children. We ask, "Will what students learn touch their deeper selves and help them become not only knowledgeable, but socially and ethically responsible as well?"

Once, the focus of education was on body, mind, *and* spirit. Values, taught at home and during worship, were reinforced at school. In 1837, Horace Mann, the father of the common school, insisted that public schools should help students develop both reason *and* conscience (Morgan 1936). "The highest and noblest office of education . . . ," Mann wrote, "pertains to our moral nature." The common school, according to Mann, should teach virtue before knowledge, for although the latter should not be ignored, knowledge without virtue poses its own dangers (Michaelsen 1970).

Today, not only has the commitment to teach "virtue before knowledge" dramatically declined, but educators are often made to feel uncomfortable even talking about such matters. It's all right these days to speak of *academic* standards, but if the talk turns to *ethical* standards, an awkward silence seems to settle in. What's especially disturbing is the way this void is often filled for children by media messages that portray, even glorify, evil actions, leading to negative behavior and, in the extreme, to what columnist William Raspberry has chillingly described in one of his *Washington Post* articles as a "consciencelessness" among many children.

It's true that most students live positive, responsible lives, and during school visits we were reassured, often inspired, by the way young children demonstrate kindness to others—living by the rules, trying to make sense of the moral ambiguities that surround them (Piaget 1965).

Still, teachers frequently spoke about what they believe to be a decline in ethical standards among children that is often reflected, they said, on the playground and even in the classroom. In one fourth-grade class, for example, a student couldn't find his scarf and suspected it had been stolen. After searching for the object, the teacher discussed the problem with the class. Getting only a grudging response, she asked how many thought it was all right to steal. Nearly 80 percent said "yes," provided, they all agreed, "you don't get caught."

Students themselves also report negative conduct in their schools. In our survey of nine- to eleven-year-olds

Dr. Ernest L. Boyer served as president of The Carnegie Foundation for the Advancement of Teaching from 1979 until his death in December 1995. An author and educator, Dr. Boyer wrote several landmark books, including Scholarship Reconsidered, Ready to Learn, *and* The Basic School. *He also received numerous awards for his contributions to education, including the 1995 Harold W. McGraw, Jr., Prize in Education and the 1994 Charles Frankel Prize in the Humanities, a presidential citation. He will long be remembered as one of the nation's leading educators.*

Table 1: Which of These Are Serious Problems in Your School: Cheating, Stealing, and Students' Making Noise and Disrupting Class?

(Percentage of Students Agreeing)

	Cheating	Stealing	Students' Often Making Noise and Disrupting Class
Chile	66 %	51 %	88 %
Mexico	53	52	75
Israel	49	45	72
Zimbabwe	48	61	49
Russia	47	59	55
Turkey	47	48	73
United States	45	38	67
Germany	42	34	59
Great Britain	36	39	59
China	22	24	21
Italy	16	22	71
Japan	12	11	15

Source: The Carnegie Foundation for the Advancement of Teaching and the George H. Gallup International Institute, The International Schooling Project, 1994.

in this country, 45 percent said that cheating is a serious problem. Thirty-eight percent identified stealing as a serious problem. Sixty-seven percent said that students' often making noise and disrupting class has become a serious problem at their school. (See Table 1.) One teacher summarized the situation this way: "I feel what I see these days is the 'Okay Generation.' No matter what the circumstances, everything will be 'okay.' Consequences seem to have no meaning for so many children."

The harsh truth is that knowledge unguided by an ethical compass is potentially more dangerous than ignorance itself. A century after Horace Mann, the world learned what can happen ultimately when knowledge is devoid of virtue. George Steiner, in reflecting on the Holocaust, vividly described it. "We know now," he wrote, "that a man can read Goethe or Rilke in the evening, that he can play Bach and Schubert, and go to his day's work at Auschwitz in the morning." What grows up inside literate civilization, Steiner asked, that prepares "it for the release of barbarism" (Steiner 1967)? What "grows up" is information without knowledge, knowledge without wisdom, competence without conscience.

Places to Build Character

Schools, while helping students become literate and well informed, also have a duty, along with parents and religious institutions, to help children develop the capacity to live responsibly and judge wisely in matters of life and conduct. But where do we begin? How do we help students develop what Horace Mann called reason and conscience? Whose responsibility is it, anyway?

First, the family. Parents, without question, are primarily responsible for a child's ethical instruction. There can be no substitute for a mother and a father who, from the very first, provide loving guidance and define for the child—both by what they say and how they live—standards of good conduct. This is, in fact, an obligation most parents understand. Seventy percent of the U.S. parents we surveyed agreed that the family has the *primary* responsibility "for developing values in children." (See Table 2.)

Table 2: Which of These Do You Think Has Primary Responsibility for Developing Values in Children: Mostly the Family, Mostly the School, or Shared by Family and School?

(Percentage of Parents Agreeing)

	Mostly the Family	Mostly the School	Shared by Family and School
United States	70 %	1 %	29 %
Germany	58	2	40
Mexico	50	0	50
Italy	47	0	53
Russia	46	2	52
Chile	44	1	55
Great Britain	44	1	56
Japan	43	1	56
Zimbabwe	25	3	72
Turkey	23	5	72
Israel	22	1	76
China	7	9	84

Source: The Carnegie Foundation for the Advancement of Teaching and the George H. Gallup International Institute, The International Schooling Project, 1994. (Due to rounding, percentages may not add up to 100 percent.)

Other countries vary greatly in their views regarding the role of parents, a fact that reflects deep differences among cultures. In China, for example, only 7 percent of the parents assigned the responsibility for developing children's values to the family. No country, however, considered it to be mostly the responsibility of the school.

When it comes to character building, family is the key. Parents are not just the first *teachers*, as important as that is. They are the first *models*. There is simply no substitute for a mother and a father who form a loving and supportive circle around the child, presenting by direct instruction and example the precepts of good living, the virtues of a well-directed life.

Author and commentator Cheri Fuller reminds us that the child may have many teachers along the way, but parents are the primary instructors and guides. And surely one of our most urgent obligations, as a society and as educators, is to lend support to parents, who must assume the major responsibility for teaching values to the coming generation.

Second, places of worship. Traditionally, religious institutions have played a consequential role in the spiritual guidance of children, setting a high moral standard, and they should be strong *teachers* of virtue, too. Churches and mosques and synagogues respond, according to their own tenets, to the most profound questions children ask. Robert Coles, a Harvard University psychiatrist, wrote in *The Spiritual Life of Children* that all children have an innate interest in "the ultimate meaning of life, in the sacred side of things" and ask questions about the mystery of creation and about how religious experience relates to life.

Private schools may address such questions. Public schools, while restricted by the Constitution from religious instruction may, however, adopt released-time arrangements, making it possible for students to leave school, with parental consent, for religious training. Released time has, in fact, been part of the public school system since 1914, and today, an estimated four hundred thousand students nationwide participate in released time. School policies in Fort Wayne, Salt Lake City, and Minneapolis, for example, grant public-school students up to two or three hours every week to attend instructional programs sponsored by religious institutions (Ashford 1994).

In 1952, the Supreme Court ruled that released time was constitutional, provided that the school itself is not involved in any way. In support of that decision, Justice William O. Douglas wrote: "We guarantee the freedom to worship as one chooses. . . . When the state encourages the religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. For it respects the nature of our people and accommodates the public service to their spiritual needs" (343, U.S. 313-14, 1952). Each school must decide for itself whether a released-time program is consistent with community expectations.

Finally, the schools. Teaching virtues cannot be left entirely to the home and religious institutions. After all, children spend about 180 days a year in school. Formal education is one of the most powerful forces in their lives. Public schools also must assume responsibility for character building.

High academic standards and high ethical standards are inseparably connected. According to a national poll, nearly 90 percent of the American people believe that emphasizing "habits of discipline" in the school would make "a great deal of difference" in student achievement (Johnson and Immerwahr 1994). Several years ago, the U.S. Department of Education wanted to find out why a group of award-winning schools was so successful. The study concluded that while "academics" remained the central mission, these effective schools were equally concerned about "good character" (Wilson and Corcoran 1988).

A good school is, in fact, always teaching values. A commitment to education rather than ignorance is a value. Working hard, getting to school on time, completing assignments, and respecting teachers are all values that go to the very heart of education.

Author William Kilpatrick powerfully makes this point in *Why Johnny Can't Tell Right from Wrong*: "If students . . . don't learn habits of courage and justice, curriculums designed to improve their self-esteem won't stop the epidemic of extortion, bullying, and violence. . . . Even academic reform depends on putting character first. Children need courage to tackle difficult assignments. They need self-discipline if they are going to devote their time to homework rather than television. . . . If they don't acquire intellectual virtues such as commitment to learning, objectivity, respect for the truth, and humility in the face of facts, then critical-thinking strategies will only amount to one more gimmick in the curriculum."

Reaching Consensus

Almost everyone seems to acknowledge the importance of character building. And for the public school to be fully successful, virtues must be consciously affirmed, an intentional part of the school program. The real problem is deciding which virtues should be taught. There is a widespread feeling that, with all the diversity in America today, no consensus can be reached. The most frequently asked question is, "Whose values?"

The "values debate" often focuses almost exclusively on the *contested* issues, those relating to religion, politics, sexuality, and lifestyles, where, because of conscience or personal

preference, differences are deep-rooted and emotions run high. Yet, without diminishing these crucial matters, we conclude that there is, in fact, a core of *consensus virtues* on which practically everyone might agree. In fact, a recent poll found that almost 70 percent of the American public thinks it would be possible to get people in their community to agree on a set of basic values that would be taught in the public schools (Elam, Rose, and Gallup 1993). It is here where our search for common ground should focus. And perhaps if the *consensus virtues* would be more forthrightly affirmed and taught each day, our ability to resolve conflicts in *contested* areas also might improve.

The prospects for such a possibility seem to be emerging. E. D. Hirsch, Jr., author of *Cultural Literacy*, writes about consensus values. Thomas Shannon, executive director of the National School Boards Association, said recently that there are "a vast number of [values] on which we can agree" (Hoff 1995). Paul Houston, executive director of the American Association of School Administrators, suggests, "There's a lot of consensus on which values are going to be taught" (Hoff 1995).

Recently, a national coalition of more than 20 organizations, ranging from the Association for Supervision and Curriculum Development to McDonnell Douglas Corporation, formed a Character Education Partnership dedicated, according to its mission statement, to "developing civic virtue and moral character in our youth for a more compassionate and responsible society" (O'Neil 1993).

There is, in short, a growing sense of urgency in this country that all of us should affirm for our children a core of virtues to enrich their learning and guide their lives. James Q. Wilson, in his insightful book *The Moral Sense*, says that such universally held values and beliefs would include sympathy, fairness, self-control, and duty. William J. Bennett, in his best-selling anthology *The Book of Virtues*, presents ten "time-honored understandings"—self-discipline, compassion, responsibility, friendship, work, courage, perseverance, honesty, loyalty, and faith.

School districts, too, have to become more active in this essential dimension of education. Five years ago, the Allen Traditional Academy Elementary School in Dayton, Ohio, began emphasizing such values as responsibility and respect for others. At that time, it placed 28th among the city's 33 elementary schools in test scores. Since it began to openly build core virtues into the daily life of students, the school has climbed to fifth place academically among the city's schools (Kennelly 1994; Scott 1992). Last fall, all 47 public schools in Dayton acknowledged the importance of helping students build character. Flyers are sent to parents suggesting learning activities that might illustrate a certain trait. Businesses, the religious community, the public library, and community organizations help reinforce the virtues.

St. Louis, Missouri, created a character program with community participation. Consensus was reached that honesty, responsibility, cooperation, and commitment should be taught. Some 24 school districts within St. Louis—344 schools serving about 200,000 students—are involved. Each school decides how these character traits are taught, through word and action. Some have "friendship activities" and carefully guided discussions about "getting along with others" and about heroes in history whose lives have made a difference (PREP *Update* 1994). Over 40 local foundations, businesses, and individuals formed partnerships to provide funds for resources, publicity, and parent and teacher training.

Last year, in Milford, Delaware, Kae E. Keister, principal of Banneker Elementary School, organized a "values committee" composed of parents, teachers, school board members, and nine clerics from various faiths to see what agreement could be reached on "time-honored understandings." The goal, according to the local school board, was to strengthen the role of parents and religious institutions, recognizing that the school staff—principal, teachers, custodians, secretaries, bus drivers—do teach values, implicitly, as they serve as role models for children.

After lively conversations and public hearings, this citizens' group unanimously affirmed six values that, it concluded, were appropriate for all students. These were compassion, integrity, perseverance, respect, responsibility, and self-control. Dr. Keister, in describing the process, told us: "Working with the values committee was most rewarding. We all came from many backgrounds, and to agree on core values was both exciting and affirming. Most exciting has been the way these values can be drawn into the life of the school, both in the general climate and in the curriculum. We are making a difference in the lives of children."

Banneker School reached consensus. Others can, too.

Basic Virtues

Every school should affirm its own commitment to character, seeking to define, through community-wide consultation, those virtues most appropriate for students as well as others at their school. The list will surely vary from one school to the next. But, as a starting point, we suggest the following seven virtues, which draw heavily on the Banneker School experience:

- *Honesty.* Each person carries out his or her responsibilities carefully and with integrity, never claiming credit for someone else's work and being willing to acknowledge wrongdoing. Students and staff share their ideas openly, in a climate of trust, with confidence that what is written and spo-

ken is honestly expressed and that all people are trustworthy.

• *Respect.* Each person responds sensitively to the ideas and needs of others without dismissing or degrading them. Differences among people are celebrated, and all members of the community are able to accept both praise and constructive suggestions from others. While affirming individual freedom, people also fully honor the rights of the group.

• *Responsibility.* Each person has a sense of duty to fulfill willingly the tasks he or she has accepted or has been assigned. All work is conscientiously performed. Members of the community feel comfortable asking for help and agree that they must be held accountable for their behavior.

• *Compassion.* Each person is considerate and caring. There is a recognition that everyone, from time to time, feels hurt, confused, angry, or sad. Instead of ignoring such conditions, people reach out to one another. In the case of conflict, members of the community seek reconciliation and try to understand each other, even forgive.

• *Self-discipline.* Each person agrees to live within limits, not only the ones mutually agreed upon, but, above all, those established personally. Self-discipline is exercised in relationships with others, especially in the way people speak to one another. Self-discipline also applies to the use of time. At the simplest level, this self-control reflects habits of good living.

• *Perseverance.* Each person is diligent, with the inner strength and determination to pursue well-defined goals. It does matter that a task is completed once begun, and to persevere not only teaches discipline but brings rewards as well. Each person pushes hard to complete assignments, and all members of the community willingly support others in their work.

• *Giving.* Each person discovers that one of life's greatest satisfactions comes from giving to others and recognizes that talents should be shared through service. Rather than waiting to be asked, members of the community look for opportunities to respond positively to the needs of others, without expectation of reward.

In the end, character education in school should mean that students are encouraged to think about life's most important questions and to discover that what they learn in school really does make a difference in their lives—that it will touch their deeper selves and help them become more knowledgeable, responsible human beings.

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In My Country . . .

This year's Law Day theme can be a wonderful opportunity for learners in English as a Second Language classrooms to tell the story of their American dreams. What brought them to this country? How does the U.S. Constitution compare with the governing document of their birth country? The upcoming election year could also spark a discussion of how leaders are chosen in students' native countries.

Reflections on Character, Global Civilization, and the Preservation of Enlightened Values

A foreign perspective that may inform the American view of civic-mindedness under our Constitution

Václav Havel

Update on Law-Related Education, 20.1, 1996, pp. 9–11. © 1996 American Bar Association.

One evening not long ago I was sitting in an outdoor restaurant by the water. My chair was almost identical to the chairs they have in restaurants by the Vltava River in Prague. They were playing the same rock music they play in most Czech restaurants. I saw advertisements I'm familiar with back home. Above all, I was surrounded by young people who were similarly dressed, who drank familiar-looking drinks, and who behaved as casually as their contemporaries in Prague. Only their complexions and their facial features were different—for I was in Singapore.

I sat there thinking about this and again—for the umpteenth time—I realized an almost banal truth—that we now live in a single global civilization. The identity of this civilization does not lie merely in similar forms of dress, or in similar drinks, or in the constant buzz of the same commercial music all around the world, or even in international advertising. It lies in something deeper. Thanks to the modern idea of constant progress, with its inherent expansionism, and to the rapid evolution of science that comes directly from it, our planet has, for the first time in the long history of the human race, been covered in the space of a very few decades by a single civilization—one that is essentially technological. The world is now enmeshed in webs of telecommunication networks consisting of millions of tiny threads or capillaries that not only transmit information of all kinds at lightning speed but also convey integrated models of social, political, and economic behavior. They are conduits for legal norms, as well as for billions and billions of dollars crisscrossing the world while remaining invisible even to those who deal directly with them. The life of the human race is completely interconnected not only in the informational sense, but in the causal sense as well. Anecdotically, I could illustrate this by reminding you—since I've already mentioned Singapore—that today all it takes is a single shady transaction initialized by a single devious bank clerk in Singapore to bring down a bank on the other side of the world. Thanks to the accomplishments of this civilization, practically all of us know what checks, bonds, bills of exchange, and stocks are. We are familiar with CNN and Chernobyl, and we know who the Rolling Stones, Nelson Mandela, and Salman Rushdie are. More than that, the capillaries that have so radically integrated this civilization also convey information about certain modes of human coexistence that have proven their worth, like democracy, respect for human rights, the rule of law, the laws of the marketplace. Such information flows around the world and, in varying degrees, takes root in different places. . . .

I want to focus on the source of the dangers that threaten humanity in spite of global civilization, and often directly because of it. Above all, I would like to speak about ways in which these dangers can be confronted.

Many of the great problems we face today, as far as I understand them, have their origin in the fact that this global civilization, though in evidence everywhere, is no more than a thin veneer over the sum total of human awareness, if I may put it that way. This civilization is immensely fresh, young, new, and fragile, and the human spirit has accepted it with dizzying alacrity, without itself changing in any essential way. Humanity has evolved over long millennia in all manner of civilizations and cultures that gradually, and in very diverse ways, shaped our habits of mind, our relationship to the world, our models of behavior, and the values we accept and recognize. In essence, this new,

Václav Havel is president of the Czech Republic. He gave the address excerpted here at Harvard University on June 8, 1995.

single epidermis of world civilization merely covers or conceals the immense variety of cultures, of peoples, of religious worlds, of historical traditions and historically formed attitudes, all of which in a sense lie "beneath" it. At the same time, even as the veneer of world civilization expands, this "underside" of humanity, this hidden dimension of it, demands more and more clearly to be heard and to be granted a right to life.

And thus, while the world as a whole increasingly accepts the new habits of global civilization, another contradictory process is taking place: ancient traditions are reviving, different religions and cultures are awakening to new ways of being, seeking new room to exist, and struggling with growing fervor to realize what is unique to them and what makes them different from others. Ultimately they seek to give their individuality a political expression.

It is often said that in our time, every valley cries out for its own independence or will even fight for it. Many nations, or parts of them at least, are struggling against modern civilization or its main proponents for the right to worship their ancient gods and obey the ancient divine injunctions. They carry on their struggle using weapons provided by the very civilization they oppose. . . .

What follows from all of this?

It is my belief that this state of affairs contains a clear challenge not only to the Euro-American world but to our present-day civilization as a whole. It is a challenge to this civilization to start understanding itself as a multicultural and a multipolar civilization, whose meaning lies not in undermining the individuality of different spheres of culture and civilization but in allowing them to be more completely themselves. This will only be possible, even conceivable, if we all accept a basic code of mutual coexistence, a kind of common minimum we can all share, one that will enable us to go on living side by side. Yet such a code won't stand a chance if it is merely the product of a few who then proceed to force it on the rest. It must be an expression of the authentic will of everyone, growing out of the genuine spiritual roots hidden beneath the skin of our common, global civilization. If it is merely disseminated through the capillaries of this skin, the way Coca-Cola ads are—as a commodity offered by some to others—such a code can hardly be expected to take hold in any profound or universal way.

But is humanity capable of such an undertaking? Is it not a hopelessly utopian idea? Haven't we so lost control of our destiny that we are condemned to gradual extinction in ever harsher high-tech clashes between cultures, because of our fatal inability to cooperate in the face of impending catastrophes, be they ecological, social, or demographic, or of dangers generated by the state of our civilization as such?

I don't know.

But I have not lost hope.

I have not lost hope because I am persuaded again and again that, lying dormant in the deepest roots of most, if not all, cultures, there is an essential similarity, something that could be made—if the will to do so existed—a genuinely unifying starting point for that new code of human coexistence that would be firmly anchored in the great diversity of human traditions.

Don't we find somewhere in the foundations of most religions and cultures, though they may take a thousand and one distinct forms, common elements such as respect for what transcends us, whether we mean the mystery of Being or a moral order that stands above us; certain imperatives that come to us from heaven, or from nature, or from our own hearts; a belief that our deeds will live after us; respect for our neighbors, for our families, for certain natural authorities; respect for human dignity and for nature; a sense of solidarity and benevolence toward guests who come with good intentions?

Isn't the common, ancient origin or human roots of our diverse spiritualities, each of which is merely another kind of human understanding of the same reality, the thing that can genuinely bring people of different cultures together? . . .

Naturally, I am not suggesting that modern people be compelled to worship ancient deities and accept rituals they have long since abandoned. I am suggesting something quite different: we must come to understand the deep mutual connection or kinship between the various forms of our spirituality. We must recollect our original spiritual and moral substance, which grew out of the same essential experience of humanity. I believe that this is the only way to achieve a genuine renewal of our sense of responsibility for ourselves and for the world. And at the same time, it is the only way to achieve a deeper understanding among cultures that will enable them to work together in a truly ecumenical way to create a new order for the world. . . .

Yes, regardless of where I begin my thinking about the problems facing our civilization, I always return to the theme of human responsibility, which seems incapable of keeping pace with civilization and preventing it from turning against the human race. It's as though the world has simply become too much for us to deal with.

There is no way back. Only a dreamer can believe that the solution lies in curtailing the progress of civilization in some way or other. The main task in the coming era is something else: a radical renewal of our sense of responsibility. Our conscience must catch up to our reason; otherwise, we are lost.

It is my profound belief that there is only one way to achieve this: we must divest ourselves of our egoistical anthropocentrism, our habit of seeing ourselves as masters of the universe who can do whatever occurs to us. We

must discover a new respect for what transcends us, for the universe, for the earth, for nature, for life, and for reality. Our respect for other people, for other nations, and for other cultures can only grow from a humble respect for the cosmic order and from an awareness that we are a part of it, that we share in it and that nothing of what we do is lost, but rather becomes part of the eternal memory of Being, where it is judged.

A better alternative for the future of humanity, therefore, clearly lies in imbuing our civilization with a spiritual dimension. It's not just a matter of understanding its multicultural nature and finding inspiration for the creation of a new world order in the common roots of all cultures. It is also essential that the Euro-American cultural sphere—the one that created this civilization and taught humanity its destructive pride—now return to its own spiritual roots and become an example to the rest of the world in the search for a new humility.

General observations of this type are certainly not difficult to make, nor are they new or revolutionary. Modern people are masters in describing the crises and the misery of the world that we shape, and for which we are responsible. We are much less adept at putting things right.

So what specifically is to be done? . . . The main task of the present generation of politicians is not, I think, to ingratiate themselves with the public through the decisions they take or their smiles on television. It is not to go on winning elections and ensuring themselves a place in the sun till the end of their days. Their role is something quite different: to assume their share of responsibility for the long-range prospects of our world and thus to set an example for the public in whose sight they work. Their responsibility is to think ahead boldly, not to fear the disfavor of the crowd, to imbue their actions with a spiritual dimension (which, of course, is not the same thing as ostentatious attendance at religious services), to explain again and again—both to the public and to their colleagues—that politics must do far more than reflect the interests of particular groups or lobbies. After all, politics is a matter of serving the community, which means that it is morality in practice. And how better to serve the community and practice morality than by seeking in the midst of the global (and globally threatened) civilization their own global political responsibility, that is, their responsibility for the very survival of the human race? . . .

It is obvious that those who have the greatest power and influence also bear the greatest responsibility. Like it or not, the United States of America now bears probably the greatest responsibility for the direction our world will take. The United States, therefore, should reflect most deeply on this responsibility. . . .

There is one great opportunity in the matter of coexistence between nations and spheres of civilization, culture, and religion that should be grasped and exploited to the limit. This is the appearance of supranational or regional communities. . . .

The most important world organization is the United Nations. I think that the 50th anniversary of its birth could be an occasion to reflect on how to infuse it with a new ethos, a new strength, and a new meaning, and make it the truly most important arena of good cooperation among all cultures that make up our planetary civilization.

But neither the strengthening of regional structures nor the strengthening of the UN will save the world if both processes are not informed by that renewed spiritual charge that I see as the only hope that the human race will survive another millennium. . . .

That force is the mass media. . . .

That is the wonderful side of today's mass media, or rather, of those who gather the news. Humanity's thanks belong to all those courageous reporters who voluntarily risk their lives wherever something evil is happening in order to arouse the conscience of the world.

There is, however, another, less wonderful aspect of television, one that merely revels in the horrors of the world or, unforgivably, makes them commonplace, or compels politicians to become first of all television stars. But where is it written that someone who is good on television is necessarily also a good politician? . . . What interests me is something else: the responsibility of those who have the mass media in their hands. They too bear responsibility for the world, and for the future of humanity. Just as the splitting of the atom can immensely enrich humanity in a thousand and one ways and, at the same time, can also threaten it with destruction, so television can have both good and evil consequences. Quickly, suggestively, and to an unprecedented degree, it can disseminate the spirit of understanding humanity, human solidarity, and spirituality, or it can stupefy whole nations and continents. And just as our use of atomic energy depends solely on our sense of responsibility, so the proper use of television's power to enter practically every household and every human mind depends on our sense of responsibility as well.

Whether our world is to be saved from everything that threatens it today depends above all on whether human beings come to their senses, whether they understand the degree of their responsibility and discover a new relationship to the very miracle of Being. The world is in the hands of us all. And yet some have a greater influence on its face than others. The more influence people have—be they politicians or television announcers—the greater the demands placed on their sense of responsibility and the less they should think merely about personal interests. . . . ♦

Teaching Strategy

Consciences, Compasses, Codes, and Common Principles

Ann Blum

Update on Law-Related Education, 20.1, 1996, pp. 12–16. © 1996 American Bar Association.

Background

Basic to character development are the settings and standards of our "behavior compasses," or consciences. This lesson encourages students to examine the limitations of using "legal" as a setting for a behavior compass and to examine some moral principles that underlie legal systems and are common to philosophic and religious teachings.

Students may recognize these principles as the "common elements" that Václav Havel (see p. 9) cited in recommending "a basic code of mutual coexistence." The code, he said, should be anchored in "the great diversity of human traditions," and he indicated that we would find at the roots of most cultures and religions "common elements such as respect for what transcends us, whether we mean the mystery of Being or a moral order that stands above us. . . . respect for our neighbors, for our families . . . for human dignity and for nature."

Objectives

As a result of this lesson, students will

- Explain the need for a behavior standard beyond "legal"
- Discuss sources of legal and moral principles
- Identify some universal moral principles and compare their applications in religious teachings and laws
- Discuss the common elements in, and rationale for, a "basic code of mutual coexistence"
- Discuss the relationship between the moral character of individuals and governments
- Examine their own "behavior compass" settings

Target Group: Secondary students
Time Needed: 2–3 class periods
Materials Needed: Student Handouts 1–3

Procedures

1. To examine the number of rule makers who affect us, brainstorm a list of government entities (for example, legislatures, executive agencies, schools) and private groups (for example, families, clubs, businesses) that make laws and rules. Then discuss how individuals also make personal rules to guide and improve their behaviors. Seek examples such as "I'm going to do my homework right after school," "Be nice to everyone today," and "Say no to drugs."

Discuss how most people also have inner rules that surface when appropriate, such as "Don't lie" or "Stealing is wrong." Ask: From where and how do people get inner rules? How do they know what is wrong or right? List and save responses (e.g., God, religious teachings, parents, codes of ethics, personal experiences).

2. Discuss how such inner rules or principles become part of our consciences, or behavior compasses. Point out that, to begin with, the class will test two points on the compass that are labeled *legal* and *illegal*. Draw a compass on the board and write the labels at opposing points. Explain that a "legal" person would obey rules that are required by law and would avoid behaviors that are illegal. Brainstorm a list of some of the personal rules a legal person might have (e.g., obeying traffic laws, identifying behaviors as acceptable as long as they are legal, not stealing). Preserve the list.

3. Emphasize that the sheer number of laws would present an initial problem to a purely legal person. Consider the number of sources (step 1). Help students conclude that one person could not begin to know all the laws.

4. Discuss how, since one can't know all the laws, the legal person instead generally uses underlying principles as a basis for behavior. Seek class consensus that "not to steal" would be such a principle. Ask: Do the laws specifically say only "It is illegal to steal"? Investigate the laws on theft in your state code or use the information in the box, paying attention to the specific delineation of each form of theft.

> ***Theft Defined***
>
> In the *Official Code of Georgia Annotated*, theft is defined as "depriving another of their property without justification." The chapter then gives the following examples as forms of theft: by taking; by burglary (entering to commit a crime); by robbery (using threat of or actual force); by extortion; by deception (e.g., creating a false impression of facts); by shoplifting; by receiving (holding or disposing of goods stolen by others); and by financial transactions.

5. To stimulate discussion of acts of thievery that do not appear to be cov-

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ered by state laws, read the following list of behaviors. Ask students to decide whether each act (1) would legally be theft, (2) is wrong, and (3) could or should be a crime.

- excessive goofing off on a job
- claiming the work of another (as when a manager takes credit for work created by subordinates)
- taking more than one free trinket at an exhibit (when a sign says "Please take only one")
- participating in gossip that ruins someone's reputation
- keeping a return of too much change
- accepting what you know is too much payment for a service, or paying someone too little for a service
- copying someone's homework

Discuss and consider the following questions: Can something be wrong even if it is legal? Is it all right to do something wrong as long as it is legal—or you're not likely to get caught? Could or should laws cover all wrongful acts? How, if they are legal, do we know acts are wrong?

6. Discuss and list the limitations of a "legal" compass setting. Have each student draw a compass on paper and label the compass settings to reflect a more-than-legal standard (for example, right-wrong, moral-immoral, good-bad, ethical-unethical, religious-irreligious). Have students write one standard or guideline to accompany the settings on the compass. Collect the compasses (keeping them anonymous) and discuss the commonalities and divergences.

7. Students should think about the inner rules or standards needed for their own compass settings. Point out that religions and societal codes of ethics (written or oral) have provided principles not only for individual consciences but also for systems of laws.

Discuss Havel's statement (see Background) and how various religious and social principles would be part of a basic code. To initiate a search for common elements, distribute Handout 1. Ask students to try to match the religious sources with the quotations. After several minutes, ask: Are you having difficulty matching sources to the quotations? Why or why not? What do all the quotations have in common? You may wish to help students correctly match sources and quotations. (Answers are 1-C, 2-F, 3-B, 4-A, 5-E, 6-D.)

Many students will recognize the precept "Do unto others . . ." as a central teaching often called the Golden Rule. Emphasize that the other precepts parallel the Golden Rule. Discuss: Why is this principle so universal? Should it be one of Havel's common elements?

8. Discuss whether the Golden Rule is in our U.S. Constitution, Bill of Rights, and other laws. Could it be enforced as is? Are concepts of good treatment the same everywhere? Explain that the standard of reasonable care used in unintentional tort cases is often likened to the Golden Rule.

Review the relevant tort law (see information in the box). Provide students with Handout 2. Divide the class into four groups. Have two groups decide what they would do in the situations cited following the Golden Rule standard and the other two groups what they would do applying a "reasonable standard of care," where it is applicable. Compare and discuss responses and their implications for behavior compass settings.

9. Propose and discuss other principles that might be elements in a basic code. Some may be corollaries to the Golden Rule, for example, not defrauding or cheating others, not injuring others, or not stealing. Ask: Is there, as Havel suggests, a commonality in attitudes toward nature? Should there be? Discuss also whether respect for differing opinions should be part of a basic code. Seek a consensus on the wording of such an element. Following discussion, draft a class list of possible common elements for a basic code.

10. Discuss: Would these common elements apply to individuals or political societies? Consider, for example, whether these elements can be found in, or inferred from, the Preamble to the U.S. Constitution. (See Handout 3.)

To investigate the relationship between the character of a community or political society and the character of its citizens, have students select a quotation or part of the Preamble from Handout 3 as a basis for a brief essay on the relationship. Have students present and discuss essays. Can common elements be legislated? Can they be enforced?

11. Provide time for students to think of their own goals for character development and the settings of their own behavior compasses.

Reasonable Care

A tort can be simply defined as the "unlawful violation of a private legal right other than a breach of contract." This can be intentional (as in crimes) or accidental.

In asking whether unintentional torts have been committed, the courts look at

- whether there is a legal duty involved
- whether the legal duty has been breached
- whether failure to perform the duty constituted proximate cause of the actual damages suffered by the plaintiff.

The question of whether the duty was performed boils down to whether the defendant exercised "ordinary diligence" or a "reasonable standard of care." Georgia law defines "ordinary diligence" as "the degree of care which is exercised by ordinarily prudent persons under the same or similar circumstances" (*Official Code of Georgia Annotated* 51-1-2).

Student Handout 1

Who Said What?

Match the quotations and their sources.

_____ **1.** Let us all hear this moral maxim,
And having heard it, keep it well:
Whatever is not pleasing to yourself,
Do that not among others.

_____ **2.** Thou shalt not take vengeance, nor bear any grudge against the children of thy people,
but thou shalt love thy neighbor as thyself.

_____ **3.** Never do to others what you would not like them to do to you.

_____ **4.** Wound not others, do no one injury by thought or deed, utter no word to pain thy fellow creatures.

_____ **5.** So whatever you wish that men would do to you, do so to them; for this is the law and the prophets.

_____ **6.** None of you has faith unless he loves for his brother what he loves for himself.

A. Hinduism: The Code of Manu

B. Confucianism: The Analects of Confucius

C. Buddhism: She-Rab Dong Fu, Tibetan Aphorisms

D. Islam: Qu'ran

E. Christianity: St. Matthew

F. Judaism: Leviticus 19

Extra

Find another quotation that expresses the same principle as the above quotations. Write it below.

_____

_____

_____

_____

_____

Student Handout 2

What Should You Do?

1. Your family and the elderly lady upstairs share a common stairs and entrance in your apartment building. You and your siblings have bikes, skateboards, and skates.

2. You have uprooted a tree, leaving a large hole in your yard near where some children play.

3. An acquaintance who lives alone is quite ill.

4. You're driving your friends to a football game and you are late.

5. While you are driving, you accidentally hit a dog.

6. You take the two children you are baby-sitting to a nearby playground.

7. From your window, you see someone slide on the ice and fall.

8. A new foreign-born student sits next to you in homeroom.

9. You find a child who is lost at the mall.

Student Handout 3

Of People, Communities, and Governments

"Public virtue cannot exist in a nation without private virtue, and public virtue is the only foundation of republics." (John Adams, Letter to Mercy Warren, April 6, 1776)

"Where the laws govern, the people are shameless in evading punishment. But where example governs, the people have a sense of shame and improve. . . . Only through the virtues of the community, does the individual become a man. . . . What makes a place beautiful, is the humanity [good and wise people] who dwells there." (From *The Analects of Confucius*, Book 1, circa 470 B.C.)

"If I am not for myself, who will be for me. And being for myself, what am I? . . . Separate not yourself from the community." (Hillel, circa 70 B.C., Aboth I.14, II.5)

"We are not born for our own sake. Our country claims a share of our lives and our friends claim a share." (Cicero, *De officius*, I, circa 50 B.C.)

"We have learned that we cannot live alone at peace; that our own well-being is dependent on other nations, far away. We have learned that we must live as men, and not ostriches. . . . We have learned to be citizens of the world, members of this human community." (Franklin Roosevelt, Fourth Inaugural Address, January 20, 1945)

"The first requisite of a good citizen in this Republic of ours is that he shall be able and willing to pull his weight." (Theodore Roosevelt, November 11, 1892)

"[O]ur doing what is right, either with regard to other individuals or to the community as a whole, affects everyone's pursuit of happiness, which is the ultimate and common good of all." (Mortimer Adler, *Six Great Ideas*, 1981)

"A good government produces citizens distinguished for courage, love of justice, and every other good quality; a bad government makes them cowardly, rapacious, and slaves of every bad desire." (Dionysius of Halicarnassus, *Antiquities of Rome*, II, circa 20 B.C.)

Preamble to the Constitution

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

A Civic Framework for Successful Character Education Programs

How to frame character education programs with "three R's" taken from the First Amendment

Charles C. Haynes

Update on Law-Related Education, 20.1, 1996, pp. 17–19. © 1996 American Bar Association.

The Supreme Court as interpreter of the U.S. Constitution has been called "keeper of the nation's conscience." I would argue, however, that while our courts are vital for sustaining the rule of law and guarding inalienable rights, we should save the title "keepers of the nation's conscience" for America's schoolteachers. More than anyone else in our society, our classroom teachers determine the future of the American experiment in liberty and justice. It is teachers, not lawyers and judges, who have the greatest role in transmitting from one generation to the next an abiding commitment to democratic first principles and fundamental human rights.

As preservers of the nation's conscience, all teachers are by definition civic and moral educators, regardless of the subject taught. As representatives of "We the People," teachers model civic and moral principles by how they teach and by the climate of classroom concern they create for the inviolable dignity of each person. In this sense, *every* lesson in a public school can be a lesson in civic virtue and moral responsibility. A central mission of public schools has always been and must always be to instill the habits of the mind and heart necessary for good citizenship and strong moral character.

Today, the challenge for public school teachers is to rededicate themselves to the teaching of civic virtue and moral character by all that they do. A crucial first step is to create working partnerships with parents and other citizens in order to reach a consensus about the role of schools in developing civic and moral character.

The Three R's

When asked, most Americans agree strongly on this mission: core moral and civic values should be taught in public schools. Keep in mind, however, that this agreement is rooted in *what we share* as American citizens across our political and religious differences. For this reason, sound character education programs should be framed by the civic principles of the U.S. Constitution and the Bill of Rights—the core civic values that bind America as one nation of many peoples and faiths.

Identifying and putting in place the civic framework is the best starting point for every school or community that wishes to establish a comprehensive character education program. Rapidly expanding ethnic and religious diversity in our nation, com-

A Note about Parents

Our civic agreement in the United States recognizes that parents have the primary right and responsibility for the upbringing of their children, including education. This means that, although public schools belong to all citizens, in the area of civic and character education, parents have a special need to be fully informed and involved. True, when parents send their children to public schools, they delegate some of the responsibility for their children's education. But, in doing so, parents acknowledge the crucial role of educators without abdicating their parental rights or duties.

Parents are the first and most important moral educators of their children. Thus, public schools should develop character education programs only in close partnership with parents and other citizens in the community. If the approach is framed by civic principles, most parents and others in local communities will work together with the school to identify the core moral and civic virtues that they wish to be taught and modeled in all aspects of school life.

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bined with "culture war" clashes in public policy debates, makes it more necessary than ever for schools and communities to reaffirm the shared civic ground rules for living with our deepest differences.

One approach that many educators and communities have used successfully is to agree on the civic principles of "rights, responsibilities, and respect" as the ground rules for making decisions about policies and practices in the schools. This framework, initially developed in the Williamsburg Charter to address religion and public life, is now used to help communities with a wide range of challenges. In broad terms, the civic prin-

A Close Look at Religion

The Freedom Forum First Amendment Center has encouraged communities and schools throughout the country to put the three *R*'s in place as they address issues concerning religion and values in public schools. Where the framework is tried, it works: consensus is reached, new policies are passed, and positive changes take place in the classroom. Significantly, support for these efforts comes from both the right and the left of the political and religious spectra.

Parental Misgivings Some parents have misgivings about character education because they are concerned that schools will adopt approaches that undermine religious convictions. (Much of this distrust may be traced to the "values clarification" efforts once popular in some schools.) Again, our civic agreement, particularly as found in the First Amendment religious liberty principles, can rebuild trust where it has been lost.

Following the guidelines of the First Amendment, public school teachers may neither promote *nor* denigrate religion in teaching civic virtue and moral character. The civic and moral values widely held in our society, such as honesty, caring, fairness, and integrity, must be taught in public schools without invoking religious authority. At the same time, core values should not be taught in such a way as to suggest that religious authority is unnecessary or unimportant.

Sound character education programs acknowledge that many people look to religious authority and revelation for moral guidance. Such programs affirm the value of religious and philosophical commitments, and they avoid any suggestion that morality is a matter of individual choice without reference to absolute truth. Students are encouraged to consult their parents and other adults involved in their upbringing for a fuller understanding of how their traditions address moral questions.

Character education can be hollow and misleading when taught within a curriculum that is silent about religion. If religion is largely ignored, students may get the false and dangerous message that religious ideas and practices are insignificant in the human experience. A complete education must by necessity include study *about* religion, where appropriate, throughout the curriculum. Religion and religious perspectives are taken seriously in the curriculum if students are exposed to the great ethical systems of world history, and America's rich and diverse religious heritage.

Claims of Conscience Our civic agreement, especially as reflected in the religious liberty clauses of the First Amendment, takes very seriously religious liberty, or freedom of conscience, for students of all faiths or none. Teachers and administrators are the most direct keepers of our nation's conscience when they do everything possible to protect the conscience of every student and parent. In the arena of character education, this can be done in four important ways.

First, schools should model the democratic process and constitutional principles in the development of policies and curricula for character education. All the stakeholders need to be involved in decisions about what core moral values will be taught and how it will be done.

Second, schools should try, when feasible, to accommodate the requests of parents and students for exemption from classroom discussion or activities for religious reasons. If focused on a specific discussion, assignment, or activity, such requests should be routinely granted in order to strike a balance between the student's religious freedom and the school's interest in providing a well-rounded education.

Third, schools should respect the right of students to discuss their faiths. If religious views are relevant to the subject under consideration and meet the requirements of the assignment, students have the right to express their religious views during a class discussion or as part of a written assignment.

Fourth, teachers can prepare students for treating one another as citizens in the public square of America. If the civic framework of rights, responsibilities, and respect is discussed and agreed to in the classroom, every lesson is simultaneously a lesson in civic virtue. Students learn to respect the rights of others, even those with whom they deeply disagree, and they learn to take responsibility for guarding for all others those rights that they wish guarded for themselves. When disagreement arises, students learn how to debate differences with civility and respect.

ciples covered in the charter may be stated this way:

By *rights*, we mean that religious liberty, or freedom of conscience, as well as the other rights of the First Amendment, are precious, fundamental, and inalienable rights for all. A society is only so just and free as it is respectful of these rights for its smallest minorities and least popular communities.

By *responsibilities*, we mean that, central to the notion of the common good and of greater importance each day because of the increase in pluralism, is the recognition that universal rights are joined to a universal duty to respect those rights. Rights are best guarded and responsibilities best exercised when each person and group guard for all others those rights they wish guarded for themselves.

By *respect*, we mean that civil debate is the cornerstone of a true democracy. If controversies about public education are to advance the best interests of the nation, then how we debate, not only what we debate, is critical.

These three *R*'s enable communities to work together as citizens. Within this framework, all perspectives have the right to be heard, citizens take responsibility to protect the rights of others (even those with whom they disagree), and debate is conducted with civility and respect.

Sponsored jointly by The Freedom Forum and the California county superintendents of schools, the California Three *R*'s Project is the best example of how well the civic principles work. Many California communities are using this framework to negotiate differences and to find common ground on issues such as the role of religion in the schools, school reform, and character education. Similar projects are under way in school districts throughout the nation. For more information about the California Three *R*'s Project, write to 777 Camino Pescadoro, Isla Vista, CA 93117, or call (805) 961-9335.

"We the People"

Americans sometimes forget that we are what some historians call the "world's first new nation." By that is meant that we are the first nation to have been founded not on bloodlines or kinship but on principles and ideals. We are deeply different in many important and abiding ways—what divides us is often deeper than what unites us. The source of our unity, therefore, is not and cannot be race, religion, or ethnicity. The source of our unity, "We the People," must be the guiding principles of our common compact.

Only within a strong agreement on our civic principles can people of many faiths and ethnic groups find consensus on teaching civic virtue and moral character in public schools. A reaffirmation of our civic framework enables communities to proceed with character education in ways that best protect the conscience of every student and parent. As American citizens, we can and must develop out of our differences a shared understanding of the role of character education in public schools and, by so doing, reforge a common vision for the common good of public education.

Resources

Guinness, Os. *The American Hour: A Time of Reckoning and the Once and Future Role of Faith.* New York: Free Press, 1993.

Haynes, Charles C., and Oliver Thomas. *Finding Common Ground: A First Amendment Guide to Religion and Public Education.* Nashville: The Freedom Forum First Amendment Center at Vanderbilt University, 1994.

Nord, Warren A. *Religion and American Education: Rethinking a National Dilemma.* Chapel Hill, N.C.: University of North Carolina Press, 1995.

Quigley, Charles N., and Charles F. Bahmueller, eds. *CIVITAS: A Framework for Civic Education.* Calabasas, Calif.: Center for Civic Education, 1991. ♦

Law Day Tips for Classroom Resource People . . .

1. Work with the teacher before your session. Ask what the class has been studying and integrate your subject with the curriculum.
2. Get students involved immediately. Begin by making a startling statement or asking an intriguing question.
3. Keep your topic relevant to students' lives. Let students tell stories and give examples.
4. Don't lecture. Talk with students, not at them. Move around and involve students. Your enthusiasm (or lack thereof) will make or break your presentation.
5. Be prepared to vary from your lesson plan. The more interested and involved students become, the more likely you will stray from your outline—but tie it all together in your conclusion.
6. Use language students can understand. Legal terms are okay, but explain them clearly.
7. Keep control of the classroom. Don't be afraid to assert your authority, but don't be overbearing.
8. Try to bring visual aids. Film clips, recordings of speeches, and photographs can all draw interest.
9. Leave students with a small memento—a Law Day pencil, sticker, or button, for example.
10. Watch the clock. Most students won't be listening after the bell rings.

Teaching Strategy

Youth Citizenship Awards Program

John Minkler

Update on Law-Related Education, 20.1, 1996, pp. 20–22. © 1996 American Bar Association.

Background

The goal of citizenship education is to enable students to learn the principles and processes of democratic citizenship and the civic values of the United States and to apply them to real problems. Charles Haynes, in *Finding Common Ground*, has summarized the core civic values as rights, responsibilities, and respect. Not only must students understand these civic values, they must be guided to practice them at school, in their community, and beyond.

To help my students achieve this goal in a service-learning project, I have developed a program called *Active Citizenship, Empowering America's Youth*. In the program, students not only learn the meaning of American citizenship, but they also participate in a service project. As part of the project, students identify a real political problem, research related issues, and propose a solution. To identify projects, community leaders conduct a panel discussion about problems in the community. The program teaches problem solving, collaboration, and research skills as students explore problems and issues. Groups of students choose a topic and work with community advisors, such as police, attorneys, and political, religious, and business leaders, to understand the problem and explore creative solutions.

For example, in last year's program, one group of students addressed the problem of teenagers skateboarding and loitering in front of stores, which was interfering with business. After interviewing store owners and teenagers, the group came up with the idea of starting a teen center. They organized a campaign, supported by business owners and community leaders, to create a new recreation center for teenagers in town. Another group, after a lesson on the meaning of the Pledge of Allegiance, decided that it was a problem for elementary students to recite the Pledge without understanding its meaning. Their solution was to write a coloring book for young students that explains the Pledge. The local Rotary club sponsored the publication of the coloring book and distributed it to every elementary class in the community. Other groups researched and proposed solutions for community problems involving racism, fire danger, drunk driving, pollution, endangered species, and illegal drugs.

In conjunction with the Active Citizenship program, an awards program that acknowledged the groups for community service and problem solving was established. Members of the U.S. Congress and county offices of education sponsored the awards program. The advisory board for the program includes attorneys, educators, police, political and business leaders, and community organizations.

The Youth Citizenship Awards Program has three goals. The first is to encourage teachers and administrators to expand citizenship education to include skills training and to encourage students to practice applying civic values and problem-solving skills to real problems in the school or community. The second goal is to organize community support for teachers and student groups who get involved in this process. In our central California location, police, attorneys, service clubs, and community leaders were very enthusiastic about supporting these student projects. The third goal is to reward students for serving their community and demonstrating responsible citizenship. Students in all groups that complete their projects receive a letter of appreciation from their member of Congress. In addition, in district competitions, winners receive awards, such as plaques, T-shirts, and cash awards from local bar associations and service clubs. In our community, the award ceremony became part of the Law Day celebration in May.

The Youth Citizenship Awards Advisory Board is creating a model for the competition. It could be used in any congressional district that has an educator willing to organize it and a congressional representative willing to sponsor it. We are developing guidelines and support documents, which are available upon request.

The time has come to identify active citizenship education and social responsibility as an essential part of

John Minkler teaches civics and history at Yosemite High School in Oakhurst, California, and teacher-training courses at Fresno Pacific College.

the core curriculum for social studies, K–12. Teachers must be trained and given support to guide students to understand the principles and process of American democracy and to help them practice and apply civic values and skills to real problems in their class, school, community, and beyond.

Objectives

As a result of this lesson, students will
- Identify community problems
- Propose solutions to problems
- Implement programs to resolve problems
- Be recognized for their contributions as responsible citizens

Target Group: Middle and secondary students
Time Needed: 3 weeks to a semester
Materials Needed: Student Handout

Procedures

1. Divide the class into small groups. Ask the groups to list topics that are areas of concern in their school, community, state, and/or nation. You might prompt discussion by providing examples such as conflict resolution, multicultural cooperation, school rules, or recreation opportunities. After students have had ample time to identify topics, have the groups share their lists with the class.

2. Assign a topic to each group, or allow groups to form based on a topic of interest. Inform groups that they should identify problems related to their topic, consult with community leaders—such as police, city officials, school administrators, etc.—to help them define a problem, and propose solutions to it. Have students use the Student Handout to review political problem-solving methods.

3. Once preferred solutions are identified, students should propose methods for resolving the problem, elicit help from community members, and develop a program for remediation. They can then write a proposal to inform the community of the problem, recommend actions to remedy the problem, and implement a program that addresses the problem, if possible.

4. Organize a Youth Citizenship Committee composed of school officials; local, state, and national representatives; business leaders; and others. The committee should be charged with acknowledging student contributions to the community. They might establish awards consisting of certificates of acknowledgment and/or other awards. The committee is in charge of acknowledging the efforts of all groups and citing any extraordinary group efforts.

5. In conjunction with Law Day activities, hold an assembly in which participants of Youth Citizenship programs are acknowledged and awards are given for participation.

For information about the Youth Citizenship Awards Program, contact John Minkler at (209) 683-2878, e-mail—jminkler@cybergate.com

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Student Handout

Political Problem Solving

1. PROBLEM

Choose a political problem. It could relate to the rights or responsibilities of citizenship, crime prevention, law enforcement, multicultural issues, environmental or economic problems, etc. Explain who is affected by it and how. What harm or injustice has been done or may be done if this problem is not solved?

2. RESEARCH

Find information about causes of the problem and its effects, what's been done about it, what needs to be done, etc. Use library and media resources, interviews, etc. Keep complete records of the information you get and how you got it. Find community advisors to help with your research and problem solving.

3. POINTS OF VIEW

Identify two or more points of view about the problem and explain the needs and arguments represented by each side. Your goal is to find a solution that meets the real needs of everyone involved, so you need to know what each side wants and why it wants that.

4. CIVIC VALUES

Explain which civic values are involved in the problem. Civic values are principles that guide our public behavior, such as justice, authority, and equality. Political problems often involve conflicts between civic values such as freedom for the individual and the common good of the community.

5. SOLUTION

Explore alternatives and develop a plan for a solution. Identify the resources and help that you will need. Define responsibilities for each member of the group. Set up a time schedule and evaluate how it's going. Keep careful records of problems, progress, and results.

Character Education, the U.S. Constitution, and the U.S. Supreme Court

Public schools can provide positive moral education consistent with constitutional principles and sound educational practices.

Stephen M. Boyd

Update on Law-Related Education, 20.1, 1996, pp. 23–25. © 1996 American Bar Association.

During the past ten years there has been a groundswell of renewed interest in public-school character education, due in large part to a heightened recognition that the general moral decline pervading the United States is having a tragic impact on the attitudes and behavior of much of America's youth. Public schools in all parts of the country have been reintroducing character education designed to foster knowledge of, commitment to, and personal behavior based upon moral, civic, and social values such as honesty, fairness, compassion, responsibility, good citizenship, and respect for self and others. Successful programs have brought about dramatic improvements in school climate, student behavior, and academic performance. Thus, character education is increasingly recognized as an essential element of successful school reform.

Notwithstanding this widespread interest in character education and a growing appreciation of its effectiveness, some educators remain uncomfortable with the role of schools in the moral development of their students. Among the reasons frequently mentioned for this discomfort are U.S. Supreme Court decisions holding that certain school-related religious activities violate the First Amendment's Establishment Clause and the ensuing confusion among educators as to the precise meaning and scope of these decisions. At the same time, many educators have been unaware of other Supreme Court decisions that provide strong support for character education. As a result, there has been uncertainty as to whether and how public schools could provide positive moral education in a manner consistent with constitutional principles and sound educational practices.

Public and Governmental Support

The past decade has seen a remarkable increase in public support for character education, which has led in turn to greater support for character education activities on the part of federal, state, and local governments. Recent opinion polls indicate that 69 percent of Americans believe communities can agree on a set of basic values to teach students. More than 90 percent favor public-school teaching of values such as honesty, respect for others, democracy, persistence, fairness, compassion, and civility (Elam et al. 1993, 1994). Character education has also been endorsed by major education associations and youth service organizations, many of which are working in concert with The Character Education Partnership and/or the CHARACTER COUNTS! Coalition.

In April 1995, a broad-based coalition of religious, civic, and civil liberties groups published "Religion in the Public Schools: A Joint Statement of the Current Law," which includes this statement: "Schools may teach civic virtues, including honesty, good citizenship, sportsmanship, courage, respect for the rights and freedoms of others, respect for persons and their property, civility, the dual virtues of moral conviction and tolerance, and hard work."

Grassroots support for character education is now so broad that it has been endorsed by the Congress and the President of the United States. On May 20, 1995, President Bill Clinton told a White House Conference on Character Building for a Civil and Democratic Society that he has supported public-school character education since the mid-1980s, when he served on the Carnegie Commission for Middle School Education. Among the commission's recommendations was to teach children "to behave ethi-

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Stephen M. Boyd is a lawyer in Washington, D.C., and a member of The Character Education Partnership. *The author gratefully acknowledges research assistance provided by the law firm of McDermott, Will & Emery and by Jon van Horne and Mary C. Chapin of the firm's office in Washington, D.C.* This article is adapted from an article, coauthored with Gordon G. Vessels, Ed.D., of the Atlanta Public Schools System, which is scheduled for publication in a forthcoming issue of the *Bulletin of the National Association of Secondary School Principals.*

cally and assume responsibility for citizenship in a pluralistic society." The President reported that the Department of Education now encourages states to compete for character education grants under the Improving America's Schools Act of 1994. He concluded by saying, "I personally long for the day when [character education] is once again a regular part of the curriculum of every school district in the United States" (Weekly Compilation of Presidential Documents, May 29, 1995).

Last September, the U.S. Department of Education selected California, Iowa, New Mexico, and Utah from 17 state applicants to receive grants to fund local character education projects. Many state governments also promote character education through legislation, resolutions, conferences, and the activities of their departments of education.

Last August, the U.S. Department of Education also issued a document designed to dispel confusion and uncertainty about the meaning and scope of Supreme Court decisions on the extent to which religious expression and activities are permitted or prohibited in public schools. The document was prepared in consultation with Attorney General Janet Reno and was carefully reviewed by the Department of Justice before Secretary of Education Richard Riley sent the Statement of Principles to all public school superintendents. The document contains the following authoritative statement on the constitutionality of character education: "**Teaching values:** Though schools must be neutral with respect to religion, they may play an active role with respect to teaching civic values and virtue, and the moral code that holds us together as a community. The fact that some of these values are held also by religions does not make it unlawful to teach them in school" (U.S. Department of Education Press Release, August 17, 1995).

Constitutional Support for Character Education

The above statement of the law is based on a number of U.S. Supreme Court decisions. For example, in *Brown v. Board of Education*, 347 U.S. 483, 493 (1954), the unanimous decision holding that racially segregated public schools violate the Fourteenth Amendment's Equal Protection Clause, the Supreme Court said "[education] is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values."

Among other Supreme Court cases that provide constitutional support for character education is *Board of Education v. Pico*, 457 U.S. 853, 864 (1982). In this case, the removal of library books that a school board found to be racist or obscene was challenged as a violation of student free speech rights under the First Amendment. The Court ordered the trial court to determine whether the school board's removal decision was based on valid educational considerations. The Court's opinion recognized that local school boards have broad discretion in the management of school affairs and acknowledged that "public schools are vitally important 'in the preparation of individuals for participation as citizens,' and as vehicles for 'inculcating fundamental values necessary to the maintenance of a democratic political system.'" The Court also said, "[L]ocal school boards must be permitted 'to establish and apply their curriculum in such a way as to transmit community values,'" and "there is a legitimate and substantial community interest in promoting respect for authority and traditional values be they social, moral, or political."

And in *Ambach v. Norwick*, 441 U.S. 68, 75–80 (1979), the Court decided that a New York statute restricting certification of aliens as public-school teachers did not violate the Equal Protection Clause. The Court reasoned that: "[P]ublic school teachers may be regarded as performing a task 'that go[es] to the heart of representative government.' . . . The importance of public schools in the preparation of individuals for participation as citizens, and in the preservation of the values on which our society rests, long has been recognized by our decisions. . . . Other authorities have perceived public schools as an 'assimilative force' by which diverse and conflicting elements in our society are brought together on a broad but common ground. . . . Within the public school system, teachers play a critical part in developing students' attitude toward government and understanding of the role of citizens in our society. . . . Further, a teacher serves as a role model for his students, exerting a subtle but important influence over their perceptions and values. . . . This influence is crucial to the continued good health of a democracy. . . . a State properly may regard all teachers as having an obligation to promote civic virtues and understanding in their classes, regardless of the subject taught."

Finally, in *Bethel School District No. 403 v. Fraser*, 478 U.S. 675, 681 (1986), the Supreme Court said: "[T]he public school system 'must inculcate the habits and manners of civility as values in themselves conducive to happiness and as indispensable to self-government in the community and the nation.'"

Constitutional Challenges Unlikely to Succeed

Notwithstanding these and other decisions indicating the Supreme Court's favorable disposition toward character education, it is interesting to consider potential constitutional grounds that might conceivably be used to challenge character education. One such theoretical basis might be the First Amendment's provisions: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The Supreme Court has held that both of these reli-

gious liberty clauses apply to state and local government as well as to the federal government in *Cantwell v. Connecticut*, 310 U.S. 296 (1940) and *Everson v. Board of Education*, 330 U.S. 1 (1947). The Court also found that a number of public-school religious practices violate the Establishment Clause, including Bible reading in *Abington v. Schempp*, 374 U.S. 203 (1963); religious instruction in *Illinois ex rel. McCollum v. Board of Education*, 333 U.S. 203 (1948); and school-sponsored prayer in *Engle v. Vitale*, 370 U.S. 421 (1962).

In 1971, the Supreme Court decided in *Lemon v. Kurtzman*, 403 U.S. 602 (1971), that state financial assistance to private religious schools violated the Establishment Clause. The case set forth a test that, to pass constitutional muster under the Establishment Clause, a particular law or action (a) must have a secular or civic purpose, (b) mast neither advance nor inhibit religion, and (c) must not result in excessive government entanglement in religion. Although critics, including several members of the Supreme Court, think the *Lemon* test is too restrictive, no other test has yet been adopted by a majority of the Court. Thus, the Establishment Clause as interpreted by the Supreme Court does not appear to provide a constitutional basis for a successful challenge to character education that is based on moral, civic, and social values and does not involve religious instruction or practices.

The Free Exercise Clause has been used to challenge school programs or activities that, though constitutional under the Establishment Clause, are alleged to prohibit the free exercise of religion. Under this clause, the Supreme Court has held in *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943), that a school may not require a student to salute the flag or recite the Pledge of Allegiance in violation of his or her religious scruples. The Court also held in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), that a state may not require Amish children to attend school beyond the eighth grade if they object on religious grounds.

In deciding Free Exercise cases, the Supreme Court developed a four-part test in *Sherbert v. Verner*, 374 U. S. 398 (1963). To claim the clause's protection, a person must show that (1) his or her actions are motivated by a sincere religious belief and (2) such actions have been substantially burdened by the government. Even so, the government will prevail if it shows that (3) it is acting in furtherance of a "compelling state interest" and (4) it has pursued that interest in the manner least restrictive or least burdensome to religion. Relatively few free exercise claims have succeeded, either because claimants have been unable to show that the government has substantially burdened their religious beliefs or because the government has been able to demonstrate a compelling state interest and that it has sought to secure that interest in a manner least restrictive or burdensome to religion. Moreover, the Supreme Court has almost never upheld a free exercise claim to interfere with the responsibility of school administrators to establish curricula.

The Supreme Court's decision in *Employment Division v. Smith*, 494 U.S. 872 (1990), held that the Sherbert test would not be applied to a state law of general application, i.e., a law not specifically directed at a religious belief or practice. This decision was widely criticized, and the "compelling state interest" test was substantially restored by congressional action in enacting the Religious Freedom Restoration Act of 1993, Public Law 103–141, 107 Stat. 1488–1490.

The disinclination of the federal courts to side with offended parents or groups against school officials is well established. See, for example, *Mozert v. Hawkins County Board of Education*, 827 F. 2d 1058 (6th Cir. 1987), cert. denied 484 U.S. 1066 (1988). As Supreme Court Justice Robert H. Jackson said in a concurring opinion in *Illinois ex rel. McCollum v. Board of Education*, 333 U.S. 203, 235 (1948): "If we are to eliminate everything that is objectionable to any of these [religious] sects or inconsistent with any of their doctrines, we will leave public education in shreds. Nothing but educational confusion and a discrediting of the public school system can result from subjecting it to constant lawsuits."

Of all the cases in which public schools were claimed to violate the Constitution's religious liberty clauses, the closest to character education involve claims that certain educational practices were efforts to teach the so-called religion of "secular humanism." None of these claims has been upheld by the courts. In one such case, *Smith v. Board of Commissioners of Mobile County*, 827 F. 2d. 684 (11th Cir. 1987), a federal appellate court rejected a claim that certain textbooks established "secular humanism" in violation of the claimant's free exercise rights. Instead, the court found the books in question had the effect of instilling democratic values without precluding the possibility that religion was an original source of these values.

Conclusion

Public support for character education that is based on widely shared moral, civic, and social values is strong and growing. Such character education also has solid support in Supreme Court decisions dealing with a range of educational issues. These decisions also provide a solid basis for concluding that any potential challenge to character education based on the religious liberty clauses of the First Amendment would not succeed in the federal courts.

Resources

Elam, S., L. Rose, and A. Gallup. "The 25th and 26th Annual Phi Delta Kappa/Gallup Polls of the Public's Attitudes Toward the Public Schools." *Phi Delta Kappan* (October 1993): 137–52; (September 1994): 41–56. ♦

Teaching Strategy

The First Amendment and Character Education

Gordon Vessels

Update on Law-Related Education, 20.1, 1996, pp. 26–28. © 1996 American Bar Association.

Background

The clauses of the First Amendment guarantee the freedom to express one's ideas and beliefs without unreasonable government interference. In First Amendment cases involving schools, the Supreme Court has recognized the legitimate role of public schools to teach the moral and prosocial values upon which democracy and social order depend, such as kindness, courage, honesty, responsibility, teamwork, and good citizenship. As a result of deteriorating social conditions, more and more schools are repeating history by expanding their curricula to include character-building goals and objectives. They are promoting personal and social responsibility through strategic instruction that targets specific character traits and moral virtues.

Objectives

As a result of this lesson, students will

- Identify the meaning of the First Amendment
- Investigate school-related issues in terms of First Amendment rights
- Examine how courts have applied First Amendment clauses to issues involving schools
- Determine whether practices related to character education are in compliance with the First Amendment

Gordon Vessels is a psychologist with the Youth Services Division of the Atlanta Public Schools.

Target Group: Secondary students
Time Needed: 2–3 class periods
Materials Needed: Student Handout

Procedures

1. Write the First Amendment on the chalkboard: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the government for a redress of grievances." Ask students what they think the amendment means. In the discussion, explain that the Establishment Clause is interpreted to mean that government actions may neither advance nor inhibit religion and must have a secular or civic purpose; the Free Exercise Clause is interpreted to mean that government must allow individuals to express their religious beliefs, even in school, unless there is a compelling reason to prevent them, such as a serious disruption of the educational process; and the Free Speech Clause is interpreted to mean that students can speak freely, provided they do not undermine the school's responsibility to promote respect for authority and traditional social, moral, and democratic values.

2. Explain that a number of cases involving schools have been decided on the basis of the First Amendment. Explain that students will participate in sociodramas to help them identify the viewpoints of people involved in such cases and to reflect on the decisions of the Court.

3. Begin by briefly outlining a case identified in "Character Education, the U.S. Constitution, and the U.S. Supreme Court," pages 23–25. Ask probing questions that will generate facts, provoke student thought, and lead to problem identification. For example, you might present the issue involved in *Board of Education v. Pico*, 457 U.S. 853, 864 (1982) or one of the cases on page 27. As you present the issue, do not identify the decision of the courts. Ask what is at issue in the case.

4. Have volunteers participate in a sociodrama, or an unrehearsed skit, to debate the issue and propose a possible solution. Do not indicate the direction a solution could or should take. Assign characters (protagonists). Characters for the Pico case, for example, might include school-board members, students, and concerned parents. Give the characters a general idea of the scene to be enacted (for example, parents and students questioning the removal of library books by the board and objecting to this practice). Allow about 10 minutes for protagonists to prepare for the skit.

5. As protagonists prepare, ask the rest of the class to observe the drama from the perspective of one of the characters, a relative, or another interested person.

6. Before protagonists begin their sociodrama, have them briefly describe the setting and their roles. The skit

should last 5–20 minutes and can be moved along, if necessary, by prompts and open-ended questions. The action should be cut when actors fall out of role. Soliloquy could be used following the initial skit and before a discussion about the skit; characters could share their inner feelings and thoughts while sitting alone or walking down the street (thinking aloud). Characters may reverse roles during the skit.

7. At the conclusion of the sociodrama, distribute two copies of the Student Handout to each student. Have all members of the class complete one copy of the handout from the perspective of the character they portrayed or assumed as a viewer and complete the second copy of the handout from their personal perspective. Then discuss the issue presented in the sociodrama and the solutions that students propose. Use a brainstorming technique if appropriate. It may be useful to follow the initial skit with another, depending on what the discussion yields. Ask students to identify their preferred solutions and express reasons for their preferences.

8. Present the decision of the Court relevant to the case. Did students' solutions reflect the findings of the Court? If necessary, help students understand the Court's decision.

9. Extend discussion to the issue of whether or not the Court's decision in the case could be used to support character education in schools.

The Supreme Court and the First Amendment: Recent Cases

Zobrest et al. v. Catalina Foothills School District, 113 S.Ct. 2462 (1993)

This case afforded the Court another opportunity to clarify the meaning of the First Amendment's Establishment Clause. James Zobrest was a profoundly deaf student attending a Catholic school. He required a sign language interpreter in order to benefit from normal classroom instruction. James's parents requested that the school district provide an interpreter under terms of federal legislation now known as the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400 (a) (Supp. III 1991). While IDEA is intended "to assist States and localities to provide for the education of all children with disabilities," the use of federal funds to pay for "[r]eligious worship, instruction, or proselytization" is prohibited. A lower court ruled that the interpreter's work would constitute "the religious inculcation of [James]—thereby, promoting [his] religious development at government expense" (unreported), but the Supreme Court reversed.

Church of The Lukumi Babalu Aye, Inc. and Ernesto Pichardo v. City of Hialeah, 113 S.Ct. 2217 (1993)

This case challenged the Court's earlier ruling in *Employment Division v. Smith*, 494 U.S. 872 (1990), that religious practices could be prohibited by a valid and neutral law of general applicability, and that the government need not show a compelling state interest in such a law in order to defend it against constitutional challenge.

In the 1980s, the city of Hialeah, Florida, passed several ordinances strengthening existing animal cruelty laws and prohibiting animal sacrifices. The purpose of these ordinances, and even their meaning, was highly disputed. The Church of the Lukumi Babalu Aye, Inc., which includes animal sacrifices as part of worship, and Ernesto Pichardo, one of its priests, argued that the ordinances violated the Free Exercise Clause. The city, however, proclaimed benign disinterest in the religious motivations for these animal killings, but great concern over health risks posed by the sacrifice of "thousands, even tens of thousands, of animals." The city lost.

Kiryas Joel School District v. Grumet, 114 S.Ct. 2481 (1994)

The village of Joel is a community of Satmarer Hasidic Jews in New York. The community deliberately insulates itself from the rest of society, culturally and religiously. Most Satmarer Hasidic children in the village attend private *yeshivas*. However, some severely handicapped/differently abled or mentally retarded/developmentally disabled children receive instruction and therapy—at government expense—in the village's public school. The Kiryas Joel Village School District was created in 1989 essentially to serve these special-needs children who are unable to attend private religious schools. Officials of the New York State School Boards Association challenged the constitutionality of this arrangement and won.

Student Handout

Analyzing a Sociodrama

1. Issue presented in the sociodrama:

2. Viewpoints presented in the sociodrama:

3. Viewpoint you support (explain your position):

4. Possible solutions:

5. Preferred solution:

Civic Virtue: Common Ground for Character Education and Law-Related Education Professionals

Developing character—realizing our constitutional dream

James S. Leming

Update on Law-Related Education, 20.1, 1996, pp. 29–32. © 1996 American Bar Association.

The focus of law-related education is on "those organized learning experiences that provide students and educators with opportunities to develop the knowledge and understanding, skills, attitudes, and appreciations necessary to respond effectively to the law and legal issues in our complex and changing society" (Study Group on Law-Related Education 1978). As such, law-related education has not taken the form of specialized legal studies, but rather it has focused more generally on citizenship in a constitutional democracy with an emphasis on the citizen and his or her relationship to the law.

Today, another curricular movement is gathering momentum that, like law-related education, is based on a deep concern about youth conduct. This new movement, called character education, is now approximately 10 years old, and it, too, has achieved a degree of legitimacy. In the past two years, two White House conferences on character education have been held, and Joint Resolutions of the United States Congress have endorsed a national "Character Counts!" week. In addition, the U.S. Department of Education has funded four national character-education demonstration projects for 1996.

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The focus of character education is to foster in youth those traits of character consistent with the high moral and ethical ideals of Western culture. At present, however, universal agreement does not exist among character educators about the exact character traits that should be taught, although there are areas of agreement.

Similarities and Differences

Both character education and law-related education are alive and well in American schools in the 1990s. Law-related education has won its place in the American school curriculum, and character education is quickly establishing a solid foothold. Although both law-related education and character education have their roots in a concern about youth conduct, they have chosen different approaches to addressing that concern. Examining some of their similarities and differences may be useful in the attempt to identify common ground.

One significant difference between the character education movement and the law-related education movement is that, although both are concerned about youth conduct, character educators, more so than law-related education professionals, emphasize "youth disorder" or the "declining well-being of youth" as a crisis that demands a response by the nation's schools (Wynne and Ryan 1993; Lickona 1991; Kilpatrick 1992). Statistics indicate dramatic increases in the past 25 years among youth in such social indicators as crime rates, drug usage, and death by homicide. The statistics, which have risen in the 1990s, recently hit all-time highs. Today's mediocre performance of school-aged youth on standardized achievement tests, increases in out-of-wedlock births, and rising suicide rates are also cited by many character educators as causes for alarm. In addition, youth dishonesty in personal and public relationships, cheating behavior, poor work ethic and lack of diligence, and lack of concern for others also are matters of great concern to character educators.

This difference in the scope of concern about youth conduct has led to a different focus by the two approaches. Law-related education has focused on fostering the knowledge, understanding, and skills required by citizens in their roles vis-à-vis the law. Character education has focused on a much broader range of outcomes as exemplified by character traits such as respect, honesty, courage, and responsibility.

A second significant difference between law-related education and character education is related to the place in the school curriculum that each occupies. Typically, law-related education is situated directly within the curricular framework of the school, usually within the social studies curriculum in U.S. history, civics, or government courses. Although a

significant part of the law-related education curriculum involves innovative instructional activities such as mock courts, legislative simulations, and public policy analysis, its content is often similar to other social studies content. Students are expected to eventually master some specified content and demonstrate their knowledge through performance on tests. They can receive grades and academic credit based on their participation.

By contrast, character education lacks a disciplinary home within the school curriculum. It is taught either as a schoolwide initiative or as a stand-alone subject, infused within a variety of subject-matter areas—usually literature or social studies. Teachers do not test students or assign grades.

A third significant difference between law-related education and character education is related to sequence within the K–12 curriculum. To date, character education curricula have been implemented in schools primarily at the elementary-school level. Across the country, law-related education has been implemented most successfully and most broadly at the middle- and high-school levels.

Yet law-related education and character education share some important goals, the most important of which is an emphasis on virtue. That is, law-related education and particularly character education have the development of virtue in youth as a priority.

I define *virtue* within the framework of certain desirable character traits, as in the regular display of what society has deemed as desirable patterns of conduct. For example, we say individuals are virtuous when they consistently display perseverance, respect, caring, and trustworthiness.

The focus on virtue in the character education movement represents a significant shift from other moral- or values-education approaches in the past 50 years. Notably, the two most popular approaches in the 1960s and 1970s, values clarification and the Kohlberg moral dilemma discussion approach, did not advocate, as an educational goal, that any particular behavior was more preferable to any other. What was important from the perspective of these two approaches to moral education was a process and structure of moral deliberation. Character education, on the other hand, places the primary focus on behavior.

Among the many lists of virtues found in the character education movement, two lists, that of Tom Lickona as well as the Six Pillars of Character developed by the Josephson Institute, mention democratic values, or civic virtue, by name. Civic education, of which law-related education is a part, is primarily concerned with the development of public traits of character such as civility, civic-mindedness, respect for law, and a willingness to negotiate and compromise. Most of the virtues in character education can be used to describe both private and public behavior. For example, persons can display honesty in private and public life—privately, by being truthful with members of one's family and friends, and publicly, by accurately reporting what one owes in taxes.

The character education movement recognizes that the development of character has civic as well as personal value; that is, the display of desirable conduct is essential to both one's personal life and one's civic life. How does civic education compare?

The Ambiguous Place of Civic Virtue in Civic Education

Law-related education is an integral component of civic education. While civic education takes civic virtue quite seriously as an ideal, this concern is not always translated into educational practice. For the purposes of this discussion, *civic virtue* is defined as the display of those traits of public and private character that are important to the preservation and promotion of the common good within the framework of our American democracy. For example, an examination of law-related education curricula would suggest that the major emphasis is on the development of knowledge and understanding of the role of law in our society and on the development of citizen-participation skills. While this approach is understandable, for it is consistent with traditional outcomes of social studies education, its focus does not guarantee that youth are developing civic virtue.

One approach to the specification of objectives for civic education has been that of the *CIVITAS* project. *CIVITAS* (Quigley and Bahmueller 1991), a framework for civic education, has served as the foundation document for the *National Standards for Civics and Government* (1994), which in turn has served as a foundation for the proposed 1998 National Assessment of Educational Progress for civics. The Center for Civic Education, under the directorship of Charles Quigley, has been the primary agent for developing all three documents. By examining the approach recommended by these documents, we can understand the role that civic virtue plays in the social studies curriculum.

In *CIVITAS*, civic virtue is identified as the ultimate goal of civic education. *Civic virtue* is defined in terms of civic dispositions and civic commitments. Civic dispositions are those attitudes and habits of mind of the citizen that are conducive to the healthy functioning and common good of the democratic system. Examples of dispositions cited in the framework are civility, open-mindedness, compromise, and toleration of diversity. It is important to note that this objective, civic virtue, is stated in cognitive terms; namely, that citizens should understand those dispositions that are conducive to behavior that will enhance effectiveness in monitoring and influencing public behavior and lead to the healthy functioning of American constitutional democracy.

Can the schools form democratic dispositions in students, or can the

schools only provide for the cognitive basis of those dispositions? Insight into this question is provided in the introduction to the virtue section of *CIVITAS*, in which the authors state that their ultimate goal is to equip students with the requisite civic knowledge and skills of civic participation to enable them to make their own commitment to the civic values deemed necessary for the nurture and strengthening of the ideals of American democracy. The statement of this goal suggests that the objective of civic virtue is the result of the achievement of the objectives of the other two parts of the framework.

According to *CIVITAS*, the objective of civic commitment requires the citizen to demonstrate a reasoned commitment to the fundamental *values* and *principles* essential to the preservation and improvement of American constitutional democracy. Examples of fundamental *principles* to which the citizen should demonstrate a reasoned commitment are popular sovereignty, rule of law, and separation of church and state. Examples of fundamental *values* to which the citizen should demonstrate reasoned commitment are life, liberty, pursuit of happiness, equality, truth, and patriotism. This objective has both cognitive (reasoned) and affective (commitment) components. Implied by the statement of this objective is that not only should students understand the nature of democratic principles and values, but they should also express a preference for those values and principles. The implication is that if students are taught the cognitive content associated with the principles and values, then commitment will follow.

In the *National Standards for Civics and Government* (1994), the idea of civic virtue as an important outcome for law-related and civic education is not present. The focus is solely on outcomes associated with civic and legal knowledge and the associated intellectual and participatory skills. Similarly, civic virtue is absent from early drafts of the framework and specifications of the 1998 NAEP Civics Assessment. Clearly, in the highly influential work of the Center for Civic Education, civic virtue occupies an uneasy and ambiguous position within contemporary thinking about civic education.

Focus and Practice

If an important contemporary function of the schools is to foster virtue, then two important questions remain: What forms of virtue should we teach in schools? How can we best teach them?

Do teaching knowledge and understanding of the principles of democratic government and supplementing this knowledge by teaching skills of democratic participation foster civic virtue? Although knowledge and skills of democratic processes are important and necessary to the task of civic education, they are not sufficient to the educational task of fostering civic virtue. A person knowledgeable and skillful about civic matters is not necessarily a good citizen. Knowledge without action may be impotent, and the exercise of participation skills not grounded by a firm commitment to the public good can be as much a force for individual advancement or even for social disorder and evil as it can be for the promotion of the public good.

Throughout American history, two perspectives on the ideal of civic virtue have competed for the allegiance of the American people. First, there has been the ideal that civic virtue is centered on a genuine concern for the community. In this view, the classical republican tradition derived from the thoughts of Aristotle and Montesquieu, the virtuous citizen understands that the pursuit of the individual good requires that the common good also be achieved. The founders of the American republic drew heavily from this political tradition, but they also drew heavily from traditional liberal thought. Derived from the writings of Locke and Hobbes, it places the individual prior to society, and civic virtue consists of contributing to the nation only to the extent that the nation in return protects the individual rights of the citizen. A critical question facing civic education at this time is the proper balance of these two traditions within the school curriculum.

It is my judgment that today's focus on the fostering of civic virtue should be based more on the classical republican view than on the perspective of traditional liberalism for three reasons. First, the topic of civic duties receives short shrift compared to the other content areas in contemporary civics curricula. Second, the milieu in which children are growing up, especially with the emphasis in the media, presents the social landscape as one where the dominant civic concern appears to be the advancement of individual rights by individuals and the state. Both the legal profession and politicians are now frequently seen merely as tools to obtain one's entitlements and protect one's rights, both of which are proliferating. Finally, youth in secondary schools are developmentally at a point in which increasing egocentrism and search for personal identity frequently dull them to an awareness of social responsibilities beyond their immediate existence.

If to achieve the public good requires that citizens possess civic virtue, and if it is correct that in the 1990s the traditional republican view of civic virtue is in eclipse, then a necessary response of the educational establishment ought to be to address this important deficit. However, as I have tried to show, civic education has not yet adequately addressed this important responsibility.

If civic education and law-related education were to take the responsibility to foster civic virtue seriously, what would be required? An initial step could be for both law-related education and character-education professionals to examine the current state of practice in their fields with a view to

identifying those character traits that have value for the achievement of the common good. We find in character education that many of the proposed character traits can be interpreted from the view of utilitarian individualism with little emphasis on civic virtue. For example, the virtues extolled by Benjamin Franklin were so focused on individual improvement that the broader social environment rarely came into view. Virtues necessary for the achievement of community and social cohesion such as respect, cooperation, and responsibility should be featured prominently in law-related education and character education.

If we are to educate effectively for civic virtue, a shift in emphasis that is pedagogical in nature needs to occur. As Amy Guttman noted in her insightful book *Democratic Education*, democratic education must be both exemplary and didactic. Children, through exposure to example and required acts of social responsibility, must internalize a fundamental disposition to the furtherance of the common good. In addition, children must develop the capacity to acquire defensible personal positions on the differing conceptions of the common good. The key for effective educational practice in this area is the balance between these two emphases. The basic rule of thumb in this regard is illustrated by the British philosopher R. S. Peter's bon mot: "The palace of reason must be entered through the courtyard of habit."

The implication of Peter's observation is that the development of habit and disposition is an earlier developmental and educational task than the development of the capacity for reason. However, this is not an either-or prescription but rather a matter of relative emphasis. Both the practical wisdom of teachers and research findings from developmental psychology can assist educational professionals in striking the correct balance for the elementary-, middle-, and high-school curricula. However, since the pursuit of the common good at times requires the setting aside of self-interest and the elevation of others' interests, it is critical that the motivational basis for this disposition be set early.

Character education and law-related education professionals can draw from each other's practical experiences in curriculum development. An important contribution that character education has to make to the educational effort to foster civic virtue grows out of the fact that inculcation is not a pejorative term for character educators. Generally, character educators have not subscribed to the notion that youth reason their way to virtue. The focus in character education has been on modeling, presenting to youth exemplars of individuals who possess desirable traits, providing opportunities to practice virtue, rewarding children for displaying virtuous behavior, and focusing on the development of a positive classroom and school climate.

The contribution that law-related education can make to the proposed dialogue is the focus on provision of opportunities for vicariously experiencing the roles and responsibilities of citizenship. Additionally, law-related educators can provide the necessary cognitive underpinnings of civic virtue to youth. That is, it is frequently difficult for youth, and adults, to understand what represents the common good in our culture—Bellah et al. (1986) refer to this as the problem of invisible complexity. That is, the common good is not always readily apparent or easily agreed upon.

To be successful in fostering civic virtue, educational professionals concerned about law-related education and character education will need to become tough-minded about curriculum development in this area. We must specify what behaviors are entailed by the ideal of civic virtue, specify learning activities designed to foster these behaviors, and finally assess whether we are achieving the desired outcomes. The task will not be easy, but certainly the rewards for our society are worth the endeavor.

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Teaching Strategy

Quotations, Core Values, and Storytelling

Gayle Mertz

Update on Law-Related Education, 20.1, 1996, pp. 33–35. © 1996 American Bar Association.

Background

A quotation that speaks to the nature and importance of character development and law-related education dates back to 1820 and was spoken by Thomas Jefferson: "I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion."

Core Values

Character and law-related educators are heeding Jefferson's words and reacquainting today's youth with the same core values that, I believe, would have been identified by Jefferson and his contemporaries. Motivated by the breakdown of societal institutions that once effectively nurtured character development, devotees of character education, identifying the need to instill core values in the individual student, have turned to the schools to fill the void.

Teaching students to recognize, identify, and assess "character" is a fundamental element of character education. Unlike many law-related education strategies, which focus on controversy or conflicting views, character education lessons strive to identify commonalities—those core values that unite rather than separate us. Character education begins by modeling and discussing a set of core values. It then moves on to apply the universal values to specific situations.

Some educators model a popular LRE approach by facilitating a classroom exploration of what character is and what character traits their students identify and consider important core values. Others start with an established list of core values, sometimes called virtues. Lists differ but usually include respect and responsibility.

In 1992, a group of leaders representing cultural, political, economic, and religious diversity meeting in Aspen, Colorado, developed a list of character traits that they agreed should be taught in schools. This document became known as the Aspen Declaration (see the Student Handout).

It can easily be argued that law-related education has always focused on values such as those listed in this declaration—freedom, justice, equality, participation, and liberty. Yet this newer approach distinguishes itself in a number of ways. Character development places its emphasis on the individual. Each person is responsible for developing and demonstrating exemplary character traits. Obeying or understanding law is a valued character trait but does not in itself define good character. Law imposes external behavioral expectations. Sometimes those expectations are based on one's personal values. Sometimes they are not. Character comes from within.

Storytelling

If we traced the history of what we are now calling character education, we would quickly recognize the importance of storytelling. Our ancestors shared stories that passed along their society's history, values, and visions to upcoming generations. Today we continue to employ storytelling as an instructional instrument. The practice entertains young and old alike, introduces the listener to values that guide our everyday lives, and provides the storyteller with an opportunity to discuss skills and traits that will help the listener meet new challenges. Stories help preserve and perpetuate an understanding of the formal and informal rules, laws, and codes by which we live. Real-life and imaginary situations acquaint the reader with philosophical concepts that help define the civil life of any society. Facilitated discussion of stories helps cultivate the inculcation of sound character traits.

Objectives

As a result of this lesson, students will

- Name several of the core values cited in the Aspen Declaration
- Identify the presence or absence of specific core values exhibited by real people or characters in literature
- Explain the difference between a personality type and a character trait

Target Group: Middle and secondary students
Time Needed: 1–2 weeks
Materials Needed: Student Handout, copies of readings selected by teacher (optional)

Procedures

1. Several days before beginning the classroom component of this lesson, tell students that you are going to be talking about character. Ask them to survey friends and family members

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about the meaning of the word and record comments. Display the word *character* on a chalkboard or bulletin board and ask students to add survey responses to the display.

2. During a class discussion, ask students to identify the similarities and differences reflected in the words and phrases they have collected. Create a classroom list of positive character traits. Following the discussion, ask each student to bring to class a quotation that addresses an issue related to your discussion of character. The quotation need not use the word *character* or address the topic directly. It may be a household saying such as "One good turn deserves another"; a selection from a book of quotations such as "Every voter ought not merely to vote, but to vote under the inspiration of a high purpose to serve a nation" (Calvin Coolidge 1924); or a literary quotation such as this one from *Having Our Say*, the biography of African-American sisters Sarah L. and A. Elizabeth Delany (Dell Publishing): "Once, I gave a patient my radio. Now, I loved my radio. But this patient lived alone and was very poor, and I knew how much it would mean to her. I thought, How can I listen to my radio knowing that she could be enjoying it, even more than I would? So I gave her that radio." Share examples with students.

3. Distribute the Student Handout and ask students to read the Aspen Declaration. Facilitate a class discussion comparing students' list of positive character traits, the declaration, and the quotations. Ask: How is character developed? How much is character development influenced by what you read or watch on television? Do you think that people can change character traits once they are developed? What type of behavior tells you about someone's character? Are character traits always consistent? Are certain people always honest or dishonest? Friendly or unfriendly? What core values do you look for in a friend?

4. Review the guidelines for facilitating character education through storytelling. You may wish to model the procedure by reading a short selection aloud and helping students identify character traits. Encourage students to provide reasons for their choices of character traits.

5. Select a book or short story for the entire class to read, or ask students to choose a literary selection. Literature may be fiction or nonfiction but should tell a story that involves interaction among people.

6. Tell students that they will be examining the core values of one of the characters in their reading selection. Ask students to review questions on the handout before they begin reading. Ask each student to read the complete selection and then answer the questions.

7. Once students have completed the assignment, discuss their observations. Question students about how obvious or elusive the character traits were in the character that they were working with. Use quotations and survey feedback to review how they analyzed their readings.

8. Extend the discussion by having students consider the importance of the character trait in terms of their own lives.

Facilitating Character Education Through Storytelling—Some Guidelines

1. Before telling or reading a story, identify and explain character traits that students should listen for. Be sure that students understand what the word, or words, mean. How would students recognize respect? What does it look like? What words or behavior would tell them that a person is respectful? (Be careful not to confuse personality with character traits. People who are funny can use their humor to be kind or unkind. Someone who is studious may or may not be honest. Discuss this distinction with students.)

2. Avoid stereotyping. Caution students not to simply identify the villain or hero in a story. Ask them to look for, identify, and name the precise behavior that demonstrates a specific character trait. For example, in a story about a student who tells his or her teacher that he or she did not work alone on a homework assignment and may not deserve the excellent grade received, the listener could identify honesty and responsibility as character traits demonstrated by the student.

3. After the story is read or listened to, ask students to identify additional character traits that they recognized. Ask whether the traits were consistently demonstrated. Did they hold up in challenging situations? Was the behavior of characters deliberate or reactive—did they think about or plan their behavior, or did they react quickly when faced with a situation? Was their behavior motivated by self-interest, or did they consider how others might be affected? Were decisions or behavior influenced by external expectations or factors, such as law, or did the characters appear to be motivated by internal values? Discuss how characters might have acted differently, thus changing the outcome or tenor of the story.

4. Finally, ask students to observe how people in the school or broader community display behavior related to the character traits discussed as part of your storytelling exercise.

Student Handout

A. The Aspen Declaration

Trustworthiness: honesty, integrity, fidelity, moral courage, and keeping your word

Respect: courtesy, decency, and recognizing and valuing all people

Responsibility: diligence, hard work, self-restraint, accepting blame, and not claiming credit for others' work

Justice and fairness: equity, due process, openness, consistency, impartiality, refusing to take unfair advantage of the mistakes or ignorance of others

Caring: the Golden Rule—do unto others as you would have them do unto you; seek to maximize benefits and minimize harm to others

Civic virtue and citizenship: duty that lies beyond one's self-interest; voting, reporting crimes, public service, obeying laws, opposing unjust laws, social consciousness

B. Student Worksheet

Write your answers on a separate sheet.

1. Cite the title of a book or story, its author, and the date of publication.

2. Identify the name of the character to be studied.

3. Name a character trait that the character has demonstrated through behavior. (Use one of the traits listed in the Aspen Declaration.)

4. Write down key words, phrases, or quotations that led you to believe that the character exhibited the trait you selected.

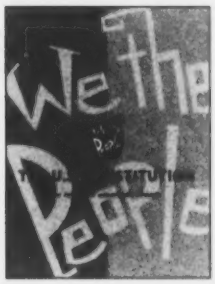
5. Why do you think the words above demonstrate that this person has exhibited that character trait?

6. Does the character demonstrate the behavior above only once, or is there other evidence that the behavior reflects a core value of the person? Record key words, phrases, or quotations to support your answer.

7. How did the trait of the character influence others? Use words, phrases, or quotations to illustrate your ideas.

8. How would you describe the personality of the character that you are writing about? Use examples from your reading.

9. Is there a relationship between the character's personality and core values? Explain.



A Guiding Framework for Character Education

Helping youth reflect on social and political issues to understand our laws, and to develop and exercise the virtues needed to realize the American vision of a just society

Sheldon Berman

Update on Law-Related Education, 20.1, 1996, pp. 36–39. © 1996 American Bar Association.

Society looks to its children for its joy and its future. We relish the first smiles and laughter of the infant, the young child's developmental achievements, the thoughtful searching of the adolescent, and the thirst for life of early adulthood. Those of us who work with and raise children relish being part of their growth and development. Youth, however, is not easy and has become far more challenging in an environment that is now more fragmented, violent, economically polarized, and dysfunctional. In response, we are seeing young people do things we thought unimaginable in our youth—from the dramatic issues of drug abuse, sexuality, and violent assault to the less publicized but more pervasive issue of a decline in respectful and caring behavior.

Do we have a crisis of character? Yes. But whose crisis is it? It is easy to look to children and see this crisis for they demonstrate it so clearly and visibly. It is easy to look to schools and families as the sources of these problems, as well as the vehicles for their remediation. Although schools and families play a critical role in setting in motion the reversal of the trends we are seeing, we can only begin this process when we realize that children are mirrors in which we can see our own reflections. If we are seeing a crisis in character or morality, we need to examine our behavior as a society for its roots. Causes of this crisis include the growing economic disparity in the United States and the economic stress that leaves children far too often in the care of other children or inadequate child care, the increasing acceptability of violence and abuse in the media, the sense of disenfranchisement and cynicism about government and our ability to act collectively on behalf of others, and the emergence of self-interest and material gratification as primary ethics in our society, replacing an appreciation of the common good and the safeguarding of the rights of others. Adults have created this environment; yet it is our children who most vividly live out the contradictions between our words and our deeds.

If we wish to address the crisis in character, we must confront those circumstances in our environment that inhibit good character. We must hold ourselves, our social and political leaders, and the very organization of our society accountable for living the values of trustworthiness, respect, responsibility, justice, fairness, integrity, caring, and participatory citizenship. The development of good character begins by demonstrating to young people that these values are not just lofty phrases embedded in homilies and Boy Scout oaths, but that they also have real meaning and importance in our social life.

However, there are actions that schools and individuals can and should take to intervene on behalf of character development. Character education is not simple. Character education is not something one person can teach to another. It is not the kind of knowledge that students learn through studying their notes. Imagine trying to teach integrity. We can model it, talk about it, provide examples of it, and hold it as an expectation, but unless we understand the underlying forces that inhibit integrity and the underlying structures that nurture it, we will not be successful in translating our intentions into reality.

Given the environment many children experience, nurturing good character involves some simple but challenging principles:

1. Allow schools to become caring communities where children and adults model the kinds of respect and responsibility that are cornerstones of good character.
2. Engage students in honest and critical reflection on our social and political life so that they can see how to break free of the destructive values and behaviors they have internalized.
3. Teach them the skills of empathy and self-discipline so that they can

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effectively handle themselves in situations that challenge their values and goals.

Schools as Caring Communities

Young people learn best from experience, and it is the experience within the community that gives meaning and substance to the virtues of good character. It is in communitarian environments that the fulfillment, as well as the violations, of these virtues have such direct and visible consequences. Creating a caring community in a classroom or school calls first for developing a shared set of values and goals that are guided by concerns for justice and care. These shared values and goals provide students with a sense of the common good as well as boundaries, structures, and limits that are necessary to make a community work effectively. The collective development of these values allows young people to understand the rationale behind them. Being included in the dialogue provides the self-control and empowerment necessary to encourage responsible action.

Creating a caring community also calls for providing students with opportunities for decision making and reflection on rules and conditions of the classroom and school. It calls for finding ways for students to participate in the decisions that impact on their school life, from serving on hiring committees to reviewing course proposals. Having taught in a democratic school, where students were involved in weekly town meetings that dealt with the major issues of both academic and community life in the school, I was able to observe the growth of responsibility, sophistication, and character in the young people who attended the school. Democracy is a vital experience for young people; yet we tend to teach democracy didactically rather than allowing young people to experience it. By divorcing them from the decisions that guide their lives, we breed irresponsibility, passivity, and resistance in those we most need to reach.

Finally, creating a caring community means encouraging group and collective efforts that nurture social skills, a sense of responsibility to others, and the experience of community. These collective efforts can range from community-service learning experiences to collaborative classroom projects to celebrations of community accomplishments. These kinds of experiences help students learn to collectively manage conflicts, set goals, and solve problems. But these experiences also teach students about their interconnectedness and how they can be rich resources for each other.

The experience of community helps young people begin to understand the meaning of the common good, appreciate that their actions have consequences for others and the community at large, and develop a sense of relatedness to and responsibility for the larger human community.

Political and Social Reflection

Character education, especially in high school, also involves honest reflection on our social and political life. As parents and educators, we want our young people to model the virtues of trustworthiness, respect, responsibility, justice, fairness, integrity, caring, and citizenship. These are the heart of good character. Yet these are lofty words that are difficult for young people to fully appreciate and even more challenging for teachers to set as instructional goals. The concepts become more concrete when we juxtapose them against our social life and begin asking the hard but honest questions about how we, collectively, can live up to those standards and what we would need to do to change our culture so that we do live up to them. It is this kind of critical reflection that enables young people to confront the realities that inhibit their own character development and find their voice and their power.

This kind of reflection means moving beyond the "just say no" rhetoric and analyzing the root causes of the breakdown in values we see around us. It means asking hard questions about the roots of violence, the justness of economic disparity, and the long-term viability of not adequately protecting our environment. The focus should not be on coming to one political answer or enlisting students in our own causes but on looking for root and systemic causes, on helping students assess how they have been influenced to think about these issues, and on raising the kinds of ethical questions that allow students to think about right and wrong and about violations of justice and care. In fact, a key goal is to help students understand and cope with multiple and complex perspectives and still reach judgment.

Adolescents, especially, see the contradictions that we have justified and ask us about the integrity of our beliefs and actions. We need to respond openly and honestly because what they are really asking is whether there is the possibility of living with integrity in their own lives.

Although these conversations with young people can be exceptionally powerful and enlightening for both the adult and young person, they can also be depressing and disempowering if not handled appropriately. The problems we face have long histories and often seem intractable. To empower young people, we need to get them involved in taking action that makes a difference to others. They need to experience being part of the solution rather than remaining a passive observer on the sidelines. They need to know that values are only realized when they are reflected in one's actions. The understandings they develop through reflection need to be translated into action—whether it is through community service or direct social or political participation.

We live in a complex time. There are few simple answers to the compli-

cated issues we face. Children become aware of the trauma in the world around them at a far earlier age than we would like and lack the skills to deal with this complexity. In our efforts to preserve their childhood, we often allow important issues to go undiscussed and attitudes of cynicism, hopelessness, and powerlessness to develop. This need not be the case. Social and political reflection builds character by peeling back the layers that underlie our values and helping young people find within themselves the strengths and commitments to make a difference for themselves, others, and the planet as a whole.

Developing Empathy and Self-discipline

Living in a caring community that fosters good character and engaging in social and political reflection are critical to the development of character. Yet young people need the skills of empathy and self-discipline to truly realize the virtues we hope they will develop.

Amitai Etzioni, a George Washington University sociologist and leader in character education, has formulated a conceptual framework that breaks through the lofty phrases and turns character development into accessible skills for both teachers and students. Rather than focusing on particular character traits, he points to two skills that underlie these traits and are prerequisites for character development: empathy and self-discipline. Empathy allows the child to appreciate the perspective and feelings of another, to sense violations of justice and care, and to distinguish right from wrong. Empathy bridges half the distance to moral behavior. Bridging the other half is self-discipline. Self-discipline provides the ability to delay or even forgo gratification in order to be committed to a set of values or goals.

The research on prosocial behavior, moral development, and psychosocial development reveals that children develop empathy at a very early age. Researchers such as Dunn and Hoffman place the first signs of empathy during infancy. Empathy may, in fact, be an innate human attribute that is either nurtured or inhibited by the child's environment. Empathy, however, can be developed by helping children become sensitive observers of the feeling states of others and helping them understand the causes of these feelings. Norma Haan and her colleagues, in studying the development of empathy and moral behavior, found that children could think in profoundly empathic and moral terms. However, their behavior did not reflect this because they lacked skill in handling moral conflict. Thus, the key to teaching empathy and moral behavior is training and practice in those skills—perspective taking, conflict resolution, assertiveness—that enable us to maintain clarity in conflicting and stressful situations.

Self-discipline also begins early with the child's focused attention to activity or determined interest in overcoming a developmental hurdle. Anyone who has seen a child learn to walk has seen the emergence of self-control and self-discipline. It, too, is a skill that is developed over time through training and practice.

Like empathy, self-discipline is nurtured through perspective taking; however, rather than taking the perspective of another, it entails appreciating future consequences or appreciating the situational or systemic context in which one is operating. Appreciating future consequences involves seeing beyond the moment and recognizing potential consequences for self, others, and the environment. Appreciating situational or systemic contexts means stepping outside of one's personal viewpoint to understand potential systemic consequences. These types of perspective taking underlie the reasoning behind our laws and legal system and are the essence of law-related education.

But self-discipline involves more than perspective taking; it requires self-control—the self-control to balance one's interests with the interests of others or society and to give up immediate gratification for longer-term goals and values. Self-control is also a skill, nurtured through learning to resolve inner and interpersonal conflicts, to solve problems, to set goals, and to manage one's emotions.

It is important to make clear the distinction between self-discipline and discipline. Self-discipline is internally motivated. It reflects both self-control and conscious or semiconscious choice. Discipline is external. It is the imposition of structure, rules, and consequences on an individual by others who have authority or power. Although both structure and discipline play a role in the development of self-discipline, by themselves they cannot nurture or teach self-discipline.

There are a number of excellent programs that help students develop these skills. At the pre-elementary through middle-school level, the Second Step curriculum produced by the Committee for Children is excellent for teaching empathy. Educators for Social Responsibility produces a wealth of highly successful conflict-resolution curricula for all grade levels. The Development Studies Center has created a multidimensional project that nurtures both empathy and self-discipline through cooperative learning activities, a prosocial literature program, a classroom discipline model that builds responsibility, instruction in conflict resolution, and community-building in the classroom and school. There are numerous programs that teach decision making. The "Decisions, Decisions" units from Tom Snyder Productions use computer simulations to engage students in decision-making exercises around serious social, political, and environmental topics.

All of these are beneficial. Yet, like any skill, empathy and self-discipline

are most effectively nurtured through practice in real-life situations. Giving students the opportunity to demonstrate that they appreciate others' feelings and care about their well-being is essential, as are the age-appropriate opportunities we provide for students to show that they can be responsible for themselves and others. As in any skill development, young people will fail at first and get better with practice. We, too often, have limited tolerance for their failures, and, instead of giving them more opportunities to practice, we assume control and responsibility ourselves. Young people need structure and guidance; yet they also need appropriate opportunities.

Social Consciousness and Character

At heart, character education is helping young people develop a social consciousness and sense of social responsibility—that is, a personal investment in the well-being of others and the planet. The virtues we hold dear are only translated into reality when we can step out of our own perspective and reach into the perspective of others and see the consequences of our actions in the future. Character education means helping students understand that what they value matters, that they can make a difference to others, and that living with integrity provides meaning and richness to one's life. They begin to see that their actions and choices create the world as it is and as it will be. They come to understand that we make a difference not by the values we espouse but by how we live—the consciousness and integrity we bring to our actions and the care we take with others. When young people experience this, the virtues we wish to see emerge.

Resources

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Resource Organizations

The Character Education Partnership, 809 Franklin Street, Alexandria, VA 22314, (800) 988-8018.

Committee for Children, 2203 Airport Way South, Suite 5000, Seattle, WA 98134, (800) 634-4449.

Communitarian Network, 2130 H Street, NW, Suite 714J, Washington, DC 20052, (800) 994-7997.

Developmental Studies Center, 200 Embarcadero, Suite 305, Oakland, CA 94606, (800) 666-7270.

Educators for Social Responsibility, 23 Garden Street, Cambridge, MA 02138, (800) 370-2515.

Tom Snyder Productions, 80 Coolidge Hill Road, Watertown, MA 02172, (800) 342-0236. ♦

Teaching Strategy

Honesty Is Still the Best Policy

Hal Urban

Update on Law-Related Education, 20.1, 1996, pp. 39–43. © 1996 American Bar Association.

Objectives

As a result of this lesson, students will

- Identify viewpoints on honesty and its meaning
- Apply the concept of honesty to situations
- Recognize honesty as an important character trait

Target Group: Secondary students
Time Needed: 3–5 class periods
Materials Needed: Student Handouts 1 and 2

Procedures

1. Distribute Handout 1 and ask students to briefly answer each question. In small-group or whole-class discussion, review students' responses to the questions.
2. Distribute Handout 2 and another copy of Handout 1. Have students read the article "Honesty Is Still the Best Policy" and then answer the questions on Handout 1 again.
3. Hold a follow-up session in which students review their responses to the questions before and after reading the article. Discuss whether students' responses changed and the reasons for any changes.

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Student Handout 1

Read the following questions, giving each one thoughtful consideration. On a separate sheet, write answers based on your personal convictions. Give a brief explanation for each answer.

1. A prospective employer or college writes to one of your teachers for a recommendation. The writer says, "We know this student has good grades. What about his/her character?" What is character?

2. What is the meaning of *integrity*? Is it the same thing as honesty?

3. Is it possible to be honest all of the time?

4. Do all people, even good ones, struggle with honesty?

5. Is "everybody's doing it" a valid reason to do something dishonest?

6. Do honest people get in trouble with the law?

7. Mahatma Gandhi and Martin Luther King, Jr., both repeatedly broke laws. Were they being dishonest?

8. Is cheating in any of the following circumstances less wrong than cheating in the others: (a) school, (b) business, (c) income taxes, (d) athletic event, (e) job or college application?

9. How do you gain the trust of another person? How do you destroy trust in a relationship? Can trust be restored in a relationship once it is lost?

10. Do you usually know when someone is lying to you?

11. Does "getting away" with a dishonest act usually lead to more dishonest acts?

12. What are some of the consequences of being dishonest?

13. What are some of the rewards of being honest?

14. Find any section of the Constitution or its amendments that could be seriously compromised by dishonesty. How would our society change if that dishonesty were not remedied?

15. Do you see any threats to our present society from dishonesty?

Student Handout 2

Honesty Is Still the Best Policy

We fight . . . to set a country free, and to make room upon the earth for honest men to live in.

Thomas Paine

Almost 220 years ago, when the American colonists were in the midst of a war for their independence from what they felt was a corrupt British government, the great patriot Thomas Paine spoke of building a new democratic system run *by* and *for* honest people. That dream became a reality after the Revolution was won and the U.S. Constitution was written. What emerged and grew is now the strongest democracy in the history of the world. Yet, at the same time, our system is fragile—for the simple reason that its success depends largely upon the virtues of both the people in government and the people who elected them. Chief among those virtues is honesty.

Just 20 years ago, another respected leader in government, U.S. Attorney General Ramsey Clark, the son of a U.S. Supreme Court Justice, also spoke of the importance of honesty, not only in government, but in every walk of life.

Honesty is the best policy in international relations, interpersonal relations, labor, business, education, family, and crime control because truth is the only thing that works and the only foundation on which lasting relations can build.

Ramsey Clark

Respect in Its Highest Form

Truth is, indeed, the foundation upon which good people build their lives and upon which good governments thrive. The cornerstone, the first and most indispensable piece of that foundation, is honesty. It's respect in its highest form. If I could pass on only one thing to my own sons and the young people I teach, it would be this: If you want to genuinely succeed in life and to feel good about yourself, honesty isn't just the best policy; it's the *only* policy.

The Meaning of Integrity

The key to being or becoming an honest person lies in understanding the meaning of *integrity* and its relationship to *honesty*. The two words are often used interchangeably, but *integrity* is a broader term. In regard to human nature, it means being complete. It comes from the word *integral*, which means whole or undivided. It's defined in *Webster*'s as "essential to completeness." To have integrity is to be a complete person—honest and with consistently high moral standards. To live without integrity is to be an incomplete human being. Dishonesty retards both our personal and social development. It causes us to fall short of realizing our full potential for lives with inner peace, feelings of self-worth, and healthy relationships.

The great Albert Schweitzer wrote that we can't have "reverence for life" unless we develop a personal code of ethics that includes honesty and truthfulness in all our dealings with other people. He said that only after we develop this kind of integrity can we "feel at home in this world" and be truly effective in it. Honesty, in Schweitzer's view, is the most basic element in the personalities of people who have a genuine respect for life.

Why Honesty Is Such a Struggle

One of the most honest persons I've ever known recently said to me, "I struggle with honesty every day of my life." I was both surprised and curious at his remark, so we ended up having a long talk about it. I went away from that discussion realizing that all of us are caught in a battle between right and wrong, good and evil. They're life forces that have been around since the beginning of time, and it's impossible to escape being in the middle. That's exactly where we were placed, and we're choosing between them every day.

Sadly, we're surrounded by all forms of dishonesty. Even more sad is seeing that what we can "get away with" has practically become a sport. Being able to "pull off" something is often considered an achievement, a feat worth openly bragging about. Only the dumb or unlucky ones get caught. "Everybody's doing it" is both the rallying cry and the justification for this type of behavior. To reinforce it, there are a number of movies and TV programs that seem to glorify deceit and deception. They virtually exalt them to fine arts. To top it all off, the advertising world bombards us daily with not-so-subtle messages that we should be someone other than our real selves in order to make a good impression on others.

Adapted from 20 Things I Want My Kids to Know *by Hal Urban (Nashville: Thomas Nelson Publishers, 1992).*

continued

Another reason we all struggle with honesty is that it's hard work. It requires more time, thought, and energy than we're sometimes willing to expend. Every day, we get a steady barrage of messages that we deserve things, we should have them now, and there's a quick and easy way to get them. So we often choose expediency over integrity. Why slave away on an assignment when it's easier and faster to copy someone else's? Why follow all the rules in a business transaction when a little fudging here and there can close the deal quicker and bring a bigger profit? We not only buy in to the "everybody's doing it" mentality, but we develop a shortcut philosophy of life. Without realizing it, we become morally lazy. It's easier and quicker to be dishonest. Is it any wonder that my friend, and all the rest of us, have such a struggle with honesty?

The Cost of Dishonesty

There's a need here to explain some of the consequences of doing the wrong thing, primarily because most people don't fully understand just how insidious dishonesty is. We're far more likely to be honest when we understand the destructive power that dishonesty can have in our lives.

Dishonesty, more than anything else, prevents us from being the type of persons we can and want to be. It's like a cancer. It starts small, and if not detected and completely eradicated, it spreads out of control until it finally destroys us, as well as others, usually those we care about the most.

The great psychologist/philosopher William James wrote that we create our own hell in this world. He said we do it "by habitually fashioning our characters in the wrong way." Lewis Andrews, a contemporary psychologist who draws upon the teachings of the great philosophers, agrees with James. In his 1989 book, *To Thine Own Self Be True*, he explains his theory that dishonest behavior is at the root of most of our psychological problems. He suggests that we take "a serious look at the relationship between one's values and one's health." Dishonesty is costly. These are some of the effects it can have on us:

He who permits himself to tell a lie once, finds it much easier to do it a second and third time, till at length it becomes habitual; he tells lies without attending to it, and truths without the world's believing him. This falsehood of the tongue leads to that of the heart, and in time depraves all its good dispositions.

Thomas Jefferson

Dishonesty Is a Vicious Circle

One dishonest act leads to another. Rarely does a person lie, cheat, or steal one time. If something is gained from it, the temptation to do it again is almost irresistible. Then there's a need to cover the trail, and another dishonest act is used to do it. If the process continues, dishonesty becomes almost a way of life. In other words, a habit—the worst one of all.

Dishonesty Turns Us into Phonies and Manipulators

St. Augustine in his famous *Confessions*, written almost 1600 years ago, explained how he moved up the social ladder by deceiving and manipulating others. One day while on his way to give a speech that included several lies, he saw a beggar. He wondered why he was so discontented and this man with nothing was so cheerful. Then he realized that the beggar was authentic, true to himself; the great scholar Augustine was not. He said it helped him realize how "utterly wretched" he had become as a result of his constant phoniness. If we play a role for too long, we lose ourselves in it.

Dishonesty Eventually Catches Up with Us

I firmly believe that we never "get away" with our dishonest acts, even though we think we do. There may be a number of occasions on which we don't get caught, but somewhere down the road we're going to pay the price in one way or another. The ancient Chinese told us that life has a way of always balancing out, and in modern times, we say, "What goes around, comes around." It does. Dishonesty is a path down a dingy back alley that leads to a dead end. It just takes some longer than others to realize where they're headed.

Dishonesty Can't Be Hidden

Isn't it true that we usually know when someone is lying to us? People tip themselves off. Their words say one thing, but their bodies say another. And we pick up the signals. The same must be true when we lie. Other people are picking up the same signals. We're fooling no one but ourselves. We trip over our own lies. In the process, we damage our reputations and destroy our credibility.

Dishonesty Ruins Relationships

When we lie to other people, we make it hard for them to believe us in the future. Question marks start appearing after everything we say. Violating the trust of another person is a sure way of damaging a relationship. And it's more difficult to restore one than it is to form one. Without trust, good relationships are impossible.

Dishonesty Attacks Our Nervous Systems

In *To Thine Own Self Be True*, Dr. Andrews says that deceit has a "powerful psychological effect" on us. He says it hit home with him when he was advised by a mentor to become aware of his "insides" the next time he was tempted to lie. He adds, "The manipulative part of us is literally assaulting our vital center." He also describes research conducted at Southern Methodist University that "found evidence to suggest that the effort required to sustain a false intention places an enormous stress on the body's nervous system." We literally stir up inner turmoil when we're dishonest. In essence, we punish ourselves.

Dishonesty Prevents Our Fulfillment

One of the most rewarding things in life is to discover our potential for personal fulfillment and then grow into it. But we can't do this if we get into dishonest habits. They become roadblocks to our growth and development. If we're selfish and dishonest, we prevent ourselves from knowing what it feels like to be complete. We can never experience the satisfaction of being authentic human beings. This is the worst punishment of all.

Six Reasons for Being Honest

While we need to see the ways in which dishonesty can ruin our lives, we also need to understand what happens when we conquer it. People who have integrity experience life at a different level. It's richer, more meaningful, and more rewarding. These are some of the ways:

1. Peace of Mind If someone asked me what I would do differently if I had the opportunity to live over again, my answer would be, "I'd be honest in all things." I look back over my life occasionally with a certain degree of shame and embarrassment at some of the dishonest things I've said and done. It took me too long to realize that dishonesty is self-centeredness at its worst. When I finally wised up, I couldn't believe the change that took place. Since making a commitment to be honest, I've known an inner peace that I would have thought impossible. Honesty has a built-in reward: a mind at peace with itself. If there were no other reasons to be honest, this alone would be enough.

2. Character and Reputation Earlier I said that habits are the key to success. They're also the building blocks of character and reputation, and no habit can shape them as much as honesty. It's one of the most admired of all human traits, and it always shows through. In fact, it shines like a beacon. Good people live in the light of it.

3. Relationships If dishonesty ruins relationships, honesty cements them together. The most essential ingredient of a good relationship is trust. This is true in all areas of life—friendship, marriage, family, business, education, and religion. Honesty and trust create a climate in which good relationships can develop and grow.

4. Wholeness The great psychologist Carl Jung said that our deepest desire is for "wholeness." I take that to mean reaching our potential as humans, becoming the type of persons we're capable of being. Until we satisfy this desire, we'll always feel an emptiness at the very core of our existence. The only way we can fill it is with integrity. It's what makes us complete.

5. Mental and Physical Health If dishonesty is at the root of many of our psychological problems, then honesty is a source of mental health. If dishonesty attacks our nervous systems, then honesty must strengthen them. When we're honest, we free ourselves from guilt, worry, and other forms of inner turmoil. We begin to enjoy feelings of self-respect and confidence. There's a feeling of assurance that comes from doing the right things, from living as complete human beings. Simply put, we feel better when we're honest.

6. Being Authentic

This above all, to thine own self be true,
and it must follow, as the night the day,
Thou canst not then be false to any man, . . .

Shakespeare

If Shakespeare hadn't chosen writing as a profession, he probably would have become one of history's greatest psychologist/philosophers. It was his keen insight into human behavior that made his writing so powerful. In the famous verse above, he's simply telling us to be authentic, to be real persons instead of the fake ones we're so often tempted to be. Honesty is a choice. When we make that choice, not in a particular set of circumstances, but as a way of life, we begin to understand what it means to be an authentic person. We become what we were meant to be. Something happens inside of us, but we can't explain it to anyone else. We just feel something unbelievably good, and we begin to respect ourselves more than ever before. That's what it means to be true to ourselves. And because it feels so good to be authentic, it necessarily follows that we'll be true to others.

We need to be honest, not because of what might happen to us when we're not, but because of what happens inside of us when we are.

There is only one way to cope with life, namely, to find that system of values which is not subject to fashionable trends, . . . which will never change, and will always bear good fruit in terms of bringing us peace and health and assurance, even in the midst of a very insecure world.

Dr. Thomas Hora

Resources for Effective Implementation of Character Education

A. John Martin

Update on Law-Related Education, 20.1, 1996, pp. 44–46. © 1996 American Bar Association.

As we examine the techniques employed by various world cultures to teach their most cherished values to future generations, we find storytelling to be the most frequently employed strategy. For many centuries, the family structure in most cultures was intergenerational. This social organization provided a vast number of opportunities for the older generations to develop character in their children and grandchildren through stories that conveyed the values needed to sustain the family and the community. As the school began to shoulder its share of the task of making students "both smart and good," stories were frequently the vehicle for imparting moral and ethical messages. The most common resource used in the late nineteenth and early twentieth centuries was *McGuffey's Reader*. The reading skills development of students was effectively integrated with the moral and ethical teachings that were the content of each reading lesson.

With most of the population engaged in the agricultural sector, families had the opportunities to be working together and to use those working relationships for passing on the key teachings regarding responsibility and respect on an everyday basis. How well I was taught the lessons of responsibility when I was a thirteen- and fourteen-year-old, sent off by my parents to work summers on my older cousin's farm! When I had responsibility for bringing the cows into the barn for milking at five A.M., I couldn't roll over and sleep for a couple more hours. The farm operation depended upon me. Everyone worked together on physically demanding tasks and complex marketing decisions based on economic forecasting skills and fiscal management adeptness. Teenagers, adults, and elders alike were respected for the contributions that each made to the extended family enterprise.

Today we must find new interventions that can effectively compensate for the societal restructuring that has changed the nature of the family, workplace, church, school, and community. The materials and techniques that we employ may use the advances that are occurring in technology, or they may be packaged in a way that allows them to substitute for some of the practices that are no longer feasible when grandparents live a thousand miles away and many children have minimal contact with even their own parents because of work schedules and family disintegration. Involvement in the parents' workplace is often difficult to coordinate, and in many situations, it is even prohibited by health and safety regulations.

The goal of the character education movement is to have schools and communities become comprehensive character-education implementation sites that develop caring communities. To achieve this goal, the school must select those curricular materials and instructional strategies that will mesh with the philosophical and psychological base that is currently embraced by the school or reform those practices. In the latter case, they will find that character education effectively lends itself to the reform effort by providing a unifying content that can be effectively woven into all of the instructional and administrative practices of the school.

For those schools seeking an infusion model for their character-education effort, strategies involving the use of literature and stories may be most appropriate. They may seek assistance from Boston University's Center for the Advancement of Ethics and Character, explore the model employed by the Developmental Studies Center, or learn from the multicultural character education program of the Heartwood Institute. A new publication, *Discipline Through Virtue*, has just come off the printing press. This book uses an interesting technique in which 26 behaviors are keyed to stories in William Bennett's *The Book of Virtues*. This approach, which employs the stories as vehicles for encouraging reflection and introspection, can be effective in stimulating class discussion on targeted behaviors.

A. John Martin is the Executive Director and CEO of The Character Education Partnership in Alexandria, Virginia.

In addition to the traditional literature format for delivering stories, schools also use audiotaped and videotaped versions. Some schools, with computer technology available, have moved to the use of CD-ROM versions, especially in situations in which individual viewing is appropriate. Other schools are bringing representatives of various cultural groups and their students' grandparents into the classroom to share key values-oriented stories to contribute to character development. Every community has people resources that can be effectively deployed.

As the interest in character education has grown, the number of materials available for assisting schools in their program development and implementation efforts has also grown at a fantastic rate. Major sections of catalogs coming from vendors such as Critical Thinking Press and Software, Sunburst Publications, and At-Risk Resources have been devoted to materials addressing character development. These materials may be referenced under such titles as parenting education, drug-free schools and communities, violence prevention, character and life skills, ethics, and conflict resolution. Textbook publishing companies are also entering the field, providing both written materials and posters for classroom use. Additionally, corporations that are not usually associated with instructional materials, such as State Farm Insurance, Lockheed Martin, and Anheuser Busch, have contributed to the newly available resources.

An activity-oriented curriculum provides excellent opportunities around service learning with its wide array of writing, research, law-related, and other citizenship development experiences that enrich the learning

Resource Organizations

Association for Supervision and Curriculum Development, 1250 N. Pitt Street, Alexandria, VA 22314-1403, (703) 549-9110.

Baltimore County Public Schools, Towson, MD 21204. Contact Phyllis Bailey, (410) 887-2063.

Character Education Institute, 8918 Tesoro Drive, San Antonio, TX 78217, (800) 284-0499.

Community of Caring, Inc., 1350 New York Avenue, NW, Suite 500, Washington, DC 20005, (202) 393-1250.

Developmental Studies Center, Child Development Project, 2000 Embarcadero, Suite 305, Oakland, CA 94606, (510) 533-0213.

Elkind & Sweet Communications, Livewire Video, 3315 Sacramento Street, San Francisco, CA 94118, (415) 564-9500.

Ethics Resource Center, 1120 G Street, NW, Suite 200, Washington, DC 20005, (202) 434-8478.

The Giraffe Project, P.O. Box 759, Langley, WA 98260, (206) 221-0757.

Heartwood Institute, 425 North Craig Street, Suite 302, Pittsburgh, PA 15213, (800) 432-7810.

Jefferson Center for Character Education, 2700 East Foothill, Suite 202, Pasadena, CA 91107, (818) 792-8130.

Josephson Institute of Ethics, 4640 Admiralty Way, Suite 1001, Marina del Rey, CA 90202, (310) 306-1868.

Personal Responsibility Education Process, The Network for Educational Development, 13157 Olive Spur Road, St. Louis, MO 63141, (314) 576-3535.

Quest International, 537 Jones Road, Granville, OH 43023, (800) 446-2700.

Materials for Getting Started with Character Education

Huffman, Henry A. *Developing a Character Education Program: One School District's Experience.* Alexandria, Va.: The Character Education Partnership/ Association for Supervision and Curriculum Development, 1994. Order from The Character Education Partnership, 809 Franklin Street, Alexandria, VA 22314, (703) 739-9515. Cost: $13.95

How to Establish a Values Education Program in Your School: A Handbook for School Administrators. Baltimore County Public Schools Task Force on Values Education and Ethical Behavior, 1991. Order from Phyllis A. Bailey, Office of Planning, Baltimore County Public Schools, 6901 N. Charles Street, Towson, MD 21204, (410) 877-2063. Cost: $2.00

Amundson, Kristen. "How to Institute a Values Education Program." In *Teaching Values and Ethics, Problems and Solutions, A Critical Issues Report.* Arlington, Va.: American Association of School Administrators, 1991. Order from AASA, Publication Sales, 1801 North Moore Street, Arlington, VA 22209-9988, (703) 875-0730. Cost: $14.95

Moral Education in the Life of the School: A Report from the ASCD Panel on Moral Education (April 1988). Order from the Association for Supervision and Curriculum Development, 1250 N. Pitt Street, Alexandria, VA 22314, (703) 549-9110. Cost: $6.00

Personal Responsibility Education Process Handbook and Resources for Educators and Communities. Order from PREP, The Network for Educational Development, 13157 Olive Spur Road, St. Louis, MO 63141, (314) 576-3535. Cost: $5.00

process. These efforts must not be considered "just community service." Service learning, at a minimum, must include the elements of preparation, action, and reflection. Students might monitor streams, create nature trails, recycle trash, advocate for issues, participate in political campaigns, work as peer helpers, engage in substance-abuse prevention programs, provide peer mediation and conflict resolution services, serve as companions to the elderly, or work with day-care centers for the young or the disabled—the list is endless. You can, in most cases, receive service-learning development assistance from your state education department. In addition, many national organizations such as the American Youth Foundation, National Service Learning Cooperative, National Youth Leadership Council, and the National Center for Service Learning in Early Adolescence offer assistance in developing service learning opportunities.

Schools seeking information on character education options may contact the resource center of The Character Education Partnership by calling (800) 988-8081. The staff there are gathering information on a wide range of character education materials. Since they are not selling materials, they are in an excellent position to provide unbiased information on all types of materials that can be used to meet the needs of the school site. They also have a growing data bank of experts who provide consultation and/or workshops for school personnel and parents on all aspects of character development.

Character education programs have shown that they can reduce violence and other discipline problems while nurturing the development of a more caring community evidenced by increased acts of random kindness; greater respect for self, others, and the environment; and more responsible behavior. Some schools also report improved academic performance. With so much at stake, our society may well have its future riding on how successful we can be in implementing effective character education in our communities.

Resources

Bennett, William J., ed. *The Book of Virtues: A Treasury of Great Moral Stories.* New York: Simon & Schuster, 1993.

Morley, Thomas F. *Discipline Through Virtue.* Sugar City, Ida.: ThoMax, 1996. ♦

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Student Forum

Will a School District's Character Education Proposal Help Its Students Attain the American Dream?

Frank Kopecky

Update on Law-Related Education, 20.1, 1996, pp. 47–51. © 1996 American Bar Association.

To the Teacher

This forum is a student-organized discussion of a legal issue. Your students are responsible for the forum. Your role is to provide copies of materials to the students and to serve as a consultant.

Forum planning should not begin until students are familiar with the articles by Diane G. Berreth on pages 2–3 and Ernest L. Boyer on pages 4–8. You might select readings and complete the teaching strategies that will give students the background needed to participate in the forum. You may furnish them with other materials of your choice from this issue.

The forum should take from two to five class periods, depending on the number of roles and amount of discussion. Independent research will elevate the quality of student presentations and overall scholarship. You, or your students, may elect to use all the sample roles, or you may revise or replace them. Make sure the roles represent diverse philosophical viewpoints.

To the Student

This forum will give you an opportunity to take responsibility for your own learning. It is similar to a town-hall meeting, where people come together to debate issues. The activity will help you explore other people's views and examine your own.

During this forum, you will consider whether a school district should adopt the proposal for character education presented in the following Background section. The school district conducts classes ranging from kindergarten through high school. As an alternative, you may consider whether your own school should adopt a character education program. What would such a program look like? What would be appropriate character education activities for each grade level? If you think character education is a good idea, how would you go about convincing your school board to adopt such a proposal?

How to Conduct the Forum

1. The class selects five students to serve on a forum panel.
2. All students complete the preforum ballot and submit it to the panel.
3. Students form groups to develop or adapt forum character roles.
4. The class identifies community members to invite to participate in the forum. Community members may represent themselves or their organizations, role-play sample roles suggested here, create new roles, act as student coaches, or assist students in any aspect of the forum. Include your teacher in making plans to invite guest speakers.
5. The panel selects a facilitator and clerk from among student volunteers. It also organizes the class's selection of students to role-play sample and created roles.
6. The clerk schedules the presentations of all roles.
7. The panel conducts the forum.
8. All students complete a postforum ballot. The panel reviews, compares, summarizes, and reports the results to the class.

Getting Ready

To prepare for this forum, review literature, including readings from your teacher, as well as other materials available from national, state, or local organizations that have positions on character education. Talk to people in your community who are knowledgeable about character education and education law, including people who deal with conflict resolution and with ways morals are developed. Keep the forum focused on the legal aspects of the issue. Professionals who may be able to help you prepare for the forum, or who might participate in it in vari-

Frank Kopecky is a professor of legal studies at the University of Illinois, Springfield, and editor of the Illinois State Bar Association Law-Related Education Newsletter. *He also serves on the American Bar Association Advisory Commission on Youth Education for Citizenship and the* Update on Law-Related Education *Editorial Advisory Board.*

ous roles, include teachers, principals, school board members, ministers, social workers, lawyers and professors of law studies, professors of education, and paralegals.

Background

The local school board is concerned about the increase in crime and violence in the community and the general lack of moral education. It is also concerned about apathy and lack of participation in elections and other civic activities. The board is debating whether to enact a character education program that will address these problems. Its proposal is to introduce appropriate character education activities into the curriculum at all grade levels. It anticipates that there will not be separate character education classes, but that teachers will introduce character education lessons at appropriate times in their classrooms. The school board is holding a public meeting to discuss the possibility of introducing character education into the school curriculum.

Introduction

Roles The following people have been asked to present their views to a mock school board meeting at which the character education proposal is being presented. They have been selected to testify because they have thoughtful but differing opinions about character education. Students playing the roles of these people should have five minutes to present their positions and to answer questions from the audience. Students in the audience may play the role of a school board. When questioned by the audience, the students should answer in a manner consistent with their roles.

Role 1: Beverly Worth I am Beverly Worth, a high school social studies teacher. I think that character education is an essential component of a good curriculum in our constitutional society and that the schools should emphasize developing citizenship skills as well as knowledge in traditional subjects. Our community needs well-balanced persons who are able to communicate, understand one another, and find common ground.

The original American dream was built on the concept of civic virtue. The founders of this country recognized that it required citizens who respected individual freedom, yet were prepared to sacrifice for the common good. In a democracy, citizens must recognize that they have responsibilities as well as rights.

In a democracy, all persons have a responsibility to actively participate in the selection of those persons who make and enforce the laws. The rule of law requires that we not only follow and respect the law but also participate in its development. We must participate in elections by voting and actively debating public issues. We must recognize that our views will not always be those of the majority, but we must honor the results of the majority-based decisions. Likewise, the majority must respect minority viewpoints. These understandings can be arrived at only through the acquisition of values.

The schools can be a perfect place to demonstrate and practice democratic skills. Communication skills such as developing positions, listening to others, and understanding other viewpoints can be taught in a variety of classroom settings. There is no need for extensive and costly curriculum revisions. Teachers should be encouraged to incorporate character education into their existing classes. History classes can study individuals who demonstrated good character. The themes of justice and fairness are found throughout literature. Even in the sciences and in math, there are value choices that can be discussed. For example, how will the information superhighway affect learning, and how will we provide for equal access to computers?

I think that good teachers should always be on the alert for value issues that are related to their subjects and take the time to discuss them. Good teachers also must consider the maturity of the students. Different teaching strategies should be used with different age groups, and certain topics should not be introduced until the students are able to appreciate the value choices that are being discussed.

Role 2: Chris Budowski Hello, my name is Chris Budowski. I am a minister in this community. While I favor the adoption of character education, I think character education as contained in this proposal is just not enough. I am concerned that modern youth lack moral training. Drug use and teenage pregnancy are up. Crime and violence have skyrocketed. We need to return this country to traditional values. Our schools need more courses in ethics and religion. I propose that there be a daily religious class for each grade in every school in the district. I recognize that the Bill of Rights prohibits the establishment of religion in publicly supported schools, but the original intent of the Constitution was not to keep religion totally out of the schools. The so-called wall of separation between church and state was not meant to be a barrier against religion. The founders were religious individuals who believed that people should

learn to read and write so that they could read the Bible and become ethical and moral citizens. I think we have gone too far as a society in keeping religion out of the schools and that the current social problems are the result.

I am not advocating that the schools teach a particular religion. I realize that this country has a diverse population with many faiths, but I do think the schools can teach about religion, and they certainly have a responsibility not to be hostile toward religion. I think the best way to handle the teaching about religion would be to develop a course on religion and values that is consistent with the civic character our Constitution implies.

Perhaps guest speakers from various community religions could teach the course from time to time to assure balance. In addition, the school district could adopt a policy of releasing students for an hour each day to allow them to attend religious training at their own place of worship. Students who do not wish to participate could be offered different course material.

Role 3: Ethel Dunn I am Ethel Dunn, a computer programmer and parent of three students in the schools. The problem with character education and teaching values is not that they are bad ideas in theory, but they are bad when put into practice. Who decides what values are important and should be taught in order to sustain our constitutional society?

Character education leaves too much room for introducing political ideologies and religious beliefs into the classroom. I believe that there are important value-clarification skills that can be learned. Students should be aware of their own values and recognize that in a pluralistic society, a society with various viewpoints, there is no single absolutely correct position. Teachers should help students recognize different perspectives and learn how to analyze competing value choices, but they should not be in the business of promoting certain values.

In my opinion, teaching religion in the schools, as the last speaker suggested, would violate the Bill of Rights and the concept of separation of church and state and make the realization of the American dream impossible. Religious education should be left to the families and religious organizations. The schools are not the place for it.

My guess is that most teachers do not know enough about a religion other than their own to effectively teach about it. In attempting to teach about religion, they may offend members of the various denominations. We must remember that the purpose of the wall of separation is to keep the state away from religious matters as much as it is to keep religion out of the state's affairs. If the schools are to remain the place where all children may go to gain a common heritage, we must minimize religious teaching. Schools should be a place where topics are discussed and debated, but religion is just too sensitive a topic to debate in the public school setting.

Role 4: Bernard Williamson I am Bernard Williamson, a real estate developer and the father of two students in the schools. While I share some of the previous speaker's concerns about teaching religion in the schools, I disagree with her point about the schools' being value neutral.

We have to resist the tendency to believe that every idea or concept is equal. It has been said that "to tolerate everything is to value nothing." Good and evil exist in the world, and students should be taught the difference. There is too much cultural relativism and permissiveness in our society already.

Overall, I favor the idea of character education. I believe that there are many character traits that are essential to the American way of life and that we can all agree are important and should be encouraged in our students. Values such as honesty, hard work, responsibility, self-respect, and consideration of others can be taught. I think we should look for those values that have a broad consensus in our country and teach them in our schools.

There have been many books on values written in the last few years, from both liberal and conservative political perspectives. It is amazing how much overlap there is in the values that are selected. We would, of course, have to stay away from topics about which there is considerable controversy and no consensus, such as abortion and sex education. Also, I think we would have to be careful how we would teach religion. But there is a difference between teaching *about* religion and the teaching *of* religion. Our Constitution, Bill of Rights, and most of our laws reflect religious values. Students need to be aware of different religious traditions and develop an understanding of the values of other cultures.

Quite frankly, I wouldn't know anything about American religions other than my own if I had not learned about them in school.

Role 5: Junius Alexander I am Junius Alexander. I work in the local auto plant and have a child in the local schools. I am worried about the quality of education she has been receiving. I have read reports saying that American school-children score lower than students in many other countries and that there are graduates of our high schools who cannot read and write. We'll never be able to sustain our constitutional dream with an illiterate public.

We need to forget about all these extra things like character education and return to the basics. More time should be spent on language, math, and the sciences. As a nation, we are competing in the world market, and we'd better have young people who can compete first and be virtuous as a matter of course.

I am not against teaching values, but that is why we have families and religious organizations. Values are best taught outside the schools. If I wanted my child to learn more about religious and ethical values, I would send her to a parochial school. I cannot afford to do this, so I take the responsibility of teaching her values at home.

As an alternative, the development of a voucher plan may make sense. The government would give all families a voucher worth several thousand dollars that they could use in the manner they choose for the education of their children. Such a plan would maximize choice and put decision making about values squarely within the family, where it belongs. Families could choose to send their children to the public schools or to parochial, military, or Montessori schools. All schools would be competing for the parents' vouchers. This competition would be healthy. It would inject free market discipline into the system.

Right now, the public schools, with their monopoly on public funding, have no incentive to improve. If the public schools knew that parents truly had a choice, we would really see some improvement in test scores in this country. And, with students learning how to think straight, we'd see them start to understand what civic values are and how to go about fulfilling the responsibilities of citizenship.

Role 6: Jeff Schecter I am Jeff Schecter, a paralegal with a law firm in this city. I think character education is a good idea. I think American children need to know about values and have civic skills as well as basic knowledge. It does little good for people to know information if they cannot evaluate and communicate it to others in our democratic society.

I agree that with a little bit of effort, we can create a list of values that all would agree are essential and should be taught in our schools. Empathy and self-discipline, for example, are basic values that can be taught. Everyone needs to be able to understand the position of others in our society and have the self-discipline to put off personal gratification. After all, education itself requires self-discipline. Learning takes time and is often difficult. The benefits and rewards are often not immediate. In a sense, we are banking knowledge and skills for future use.

Also, I don't think we should necessarily shy away from controversial subjects, as long as character education is developed and taught in a grade-appropriate manner. Controversial topics can and should be discussed by mature students who can appreciate the difference between learning and indoctrination. This ability to discuss and decide is part of their preparation for responsible citizenship under our Constitution.

However, character education can be too simplistic. Most value choices are complex. I don't think you can teach values merely by having lectures about patriotism and stories about good people. Students will see the shallowness of this approach. Schools must teach values by example. Schools should be caring communities that respect the views of students. Students should be given an opportunity to put their lessons to work. Helping tutor other students, working in homeless shelters, and volunteering in political campaigns are all examples of opportunities through which students can learn about values. The original dream of the founders in writing the Constitution was a nation based upon republican virtues. Individual virtue was important, but there also was a need to work together for the common good.

I think schools have an important obligation to teach citizenship skills in a democratic republic such as ours. Thomas Jefferson had a great deal of faith in education. Whenever questioned about his belief in democracy, he would argue that an informed citizenry is the best safeguard against tyranny. The public schools are the one place in society where all citizens have an equal opportunity to learn those values that we share as a people. The schools not only have the obligation to teach about values, but they also have the duty to do it well. Abraham Lincoln spoke about government of and by the people. The schools have the responsibility to keep that dream alive. ♦

Interesting Facts About Our Constitution

George Washington served as president of the Constitutional Convention, which took place in Philadelphia at the Pennsylvania State House (now called Independence Hall) in 1787. Washington was the first to sign the Constitution on September 17 of that year.

With his many influential speeches, compromises, and negotiations, and his written record of the proceedings at the Constitutional Convention, James Madison became known by many as the Father of the Constitution. Gouverneur Morris actually penned the Constitution.

The first state to ratify the Constitution was Delaware in 1787. In 1788, New Hampshire became the ninth state to ratify, putting the Constitution into effect. Rhode Island, the last state to ratify, did so in 1790. Rhode Island is the only state that sent no delegates to the Constitutional Convention. It didn't want any federal government interference in its state affairs.

The Bill of Rights became a permanent addition to the Constitution in 1791. Its 10 amendments were part of 15 originally proposed by James Madison in the new Congress, which first met in New York City on March 4, 1789.

Source: The World Book Encyclopedia, 1995, s.v. "Constitution of the United States."

Forum Ballot

Should Character Education Be Part of the Public-School Curriculum?

Circle the choice that best answers how you feel about character education.

	strongly agree				strongly disagree
1. Overall, character education is a good idea and should be adopted in our schools.	1	2	3	4	5
2. Character education should be adopted even if it means that there will be less time for basic courses in writing, math, and science.	1	2	3	4	5
3. Character education can be adopted in already existing courses with little impact on the amount of time devoted to basic courses.	1	2	3	4	5
4. Religious values are an important aspect of character education.	1	2	3	4	5
5. Religious values are an important aspect of civic education.	1	2	3	4	5
6. Character education should be part of civic education.	1	2	3	4	5
7. Character education should be limited to character traits such as honesty, self-discipline, and responsibility that everyone agrees are important.	1	2	3	4	5
8. Controversial topics should be discussed as part of a character education program.	1	2	3	4	5
9. In discussing controversial topics, teachers should stress methods by which positions can be reached, but they should not take a position.	1	2	3	4	5
10. There is a consensus in American society that self-discipline, responsibility, compassion, courage, loyalty, and honesty should be taught.	1	2	3	4	5
11. There is a consensus in American society that faith, charity, work, justice, tolerance, and empathy should be taught.	1	2	3	4	5
12. Schools have an obligation to teach about religion without advancing any particular religious faith.	1	2	3	4	5
13. Religion is too sensitive a topic to discuss in public schools.	1	2	3	4	5
14. Released time should be provided to allow students to obtain religious and character education.	1	2	3	4	5
15. A voucher plan should be adopted to give families more choice in education.	1	2	3	4	5
16. It is important in a democracy to maintain strong public schools in which common values are taught.	1	2	3	4	5
17. We cannot sustain our constitutional society unless we teach values at school.	1	2	3	4	5

Write a short answer.

18. How would you define *character education?*
19. Having considered the issues in character education, I (agree/disagree) with the idea of including character education in our school district's curriculum because . . .
20. How would you include character education in the courses you are currently taking? What would such a program look like?
21. What would appropriate character-education activities be for each grade level? How would you convince your school board to adopt such a proposal?

Law Day Help for You

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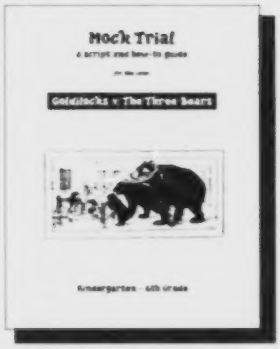

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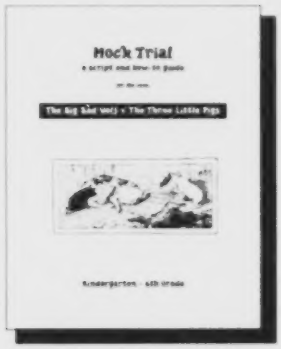

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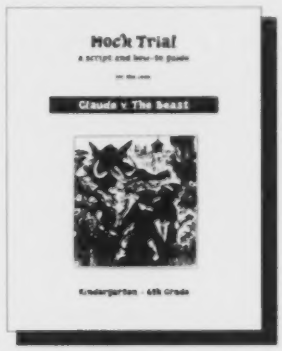

Claude v. The Beast

our permission to make enough photocopies for the entire class—but our new class set price makes it more convenient (and maybe even less expensive) to buy class sets through this planning guide.

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Fairy tale mock trials mix laughter and learning. Our lineup for this year has four old favorites and five new mock trials.

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PC# 317-0144 $4.00 individual; $97.50 (class set of 30)

Village of Sheepfold v. Joey Wolfcryer

In this retelling of *The Boy Who Cried Wolf*, Joey Wolfcryer is accused of violating an ordinance against crying wolf when there is no wolf. (A second ordinance, which imposes a duty to cry wolf when there is a wolf, also figures in the evidence and arguments.)

PC# 317-0145 $4.00 individual; $97.50 (class set of 30)

Favorite Mock Trials for Grades K–6

Goldilocks v. The Three Bears

Yikes! The Bears (Mom A. Bear, Pop A. Bear, and Babe E. Bear) have sued Goldilocks for bad manners.

PC# 317-0116 $4.00 individual; $97.50 (class set of 30)

The Big Bad Wolf v. The Three Little Pigs

Showing absolutely no shame, B. B. Wolf (the initials stand for "Big Bad") has the nerve to sue Curly Pig for attempted wolf cooking.

PC# 317-0117 $4.00 individual; $97.50 (class set of 30)

Claude v. The Beast

In this reworking of *Beauty and the Beast*, disappointed suitor Claude sues the Beast (a.k.a. handsome prince) for impersonation and alienation of affection.

PC# 317-0111 $4.00 individual; $97.50 (class set of 30)

Wicked Witch v. Snow White

Witch sues princess for stealing her "trademark"—Fairest of Them All.

PC# 317-0112 $4.00 individual; $97.50 (class set of 30)

For Law Day information, find us on the net at http://www.abanet.org/publiced/home.html

TRIALS FOR MIDDLE SCHOOL AND HIGH SCHOOL

Criminal Law Trials—New This Year!

Each of these mock trials developed by the Constitutional Rights Foundation is new to the *Law Day Planning Guide*. All include the facts of a hypothetical case, witness statements, relevant legal authorities, complete trial instructions, and procedural guidelines. Each also contains a pretrial motion designed to help students gain a deeper understanding of constitutional issues related to the criminal trial process.

People v. Kelmar (Mock trial, grades 7–12)

Issues of youth violence, homicide, and privacy

When a high school senior shoots a fellow student and claims self-defense, the testimony of a psychotherapist becomes critical. Students argue whether the admission of such testimony is a violation of the psychotherapist-patient privilege in a pretrial motion, then go on to examine the Battered Person Syndrome and the imperfect self-defense argument at trial.

PC# 317-0146 $4.00 individual, $97.50 (class set of 30)

People v. Whitman (Mock trial, grades 7–12)

Issues of child abduction, grand theft, and self-incrimination

When a young child is taken from a park, a routine traffic stop results in a noncustodial parent being charged with child abduction. In a pretrial motion based on the Fifth and Fourteenth Amendments, students argue whether the defendant's *Miranda* rights were violated when the police drove their suspect by a hotel where the child was found.

PC# 317-0147 $4.00 individual, $97.50 (class set of 30)

People v. Bell (Mock trial, grades 7–12)

Issues of free expression, intergroup conflict, and arson

Conflict between a group of townspeople and a newcomer religious group provides the background for this case involving incitement and arson charges. In a pretrial motion based on the First and Fourteenth Amendments, students argue whether the Constitution protects the controversial performance of a song at a rally or restricts it as a clear and present danger to the community.

PC# 317-0148 $4.00 individual, $97.50 (class set of 30)

People v. Stover (Mock trial, grades 7–12)

Issues of use of force, free expression, and hate crimes

This case involves a private security guard whose actions during an alleged break-in at a research laboratory raise issues about use of force, freedom of expression, and the elements of a hate crime. In a pretrial motion based on the First and Fourteenth Amendments, students argue the constitutionality of a hypothetical community's ordinance governing racist expression.

PC# 317-0149 $4.00 individual, $97.50 (class set of 30)

People v. Mitchell (Mock trial, grades 7–12)

Issues of alcohol abuse, responsible driving, and the exclusionary rule

In this case, a traffic accident results in charges of driving under the influence and felony hit-and-run. A pretrial motion based on the First and Fourteenth Amendments addresses the constitutionality of a traffic stop based on a police profile of a drunk driver.

PC# 317-0150 $4.00 individual, $97.50 (class set of 30)

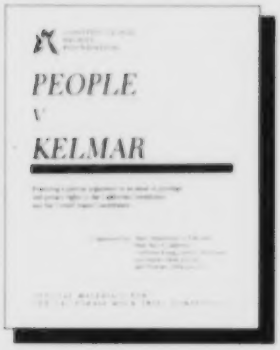
Law Day Favorites

All of these mock trials contain everything you need—information on types of mock trials, tips on preparing and conducting the trial, simplified steps and rules in a trial, and even guidelines on mock trial competitions.

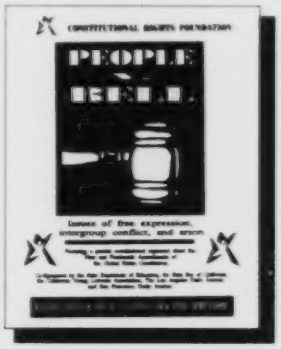
Andrews v. Springville School System (Mock trial, grades 7–12)

A lawsuit brought against a local school system by the parents of a high-school girl who has been refused a tryout for the boys' soccer team.

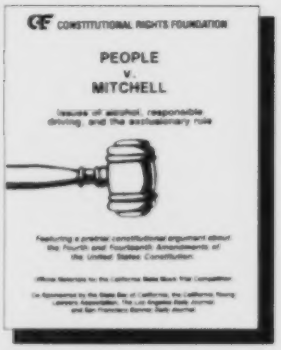
PC# 317-0121 $4.00 individual, $97.50 (class set of 30)



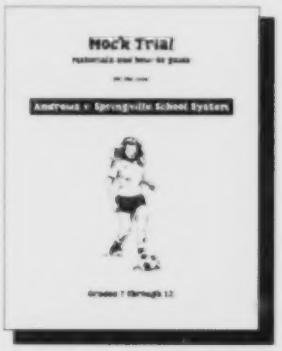
People v. Kelmar



People v. Bell



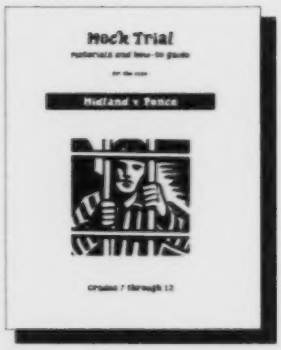
People v. Mitchell



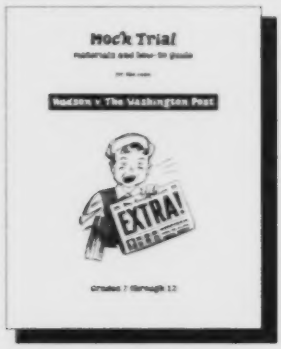
Andrews v. Springville School System

57

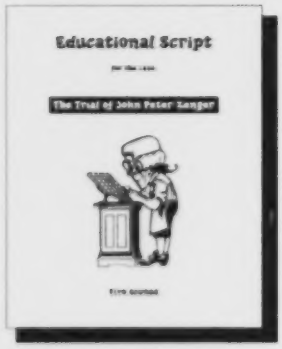
To order call (312) 988-5522



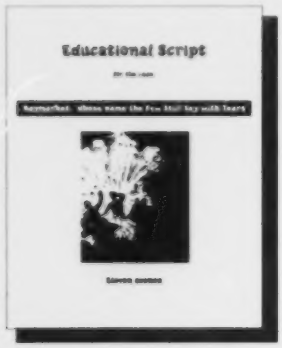
Midland v. Pence



Hudson v. The Washington Post



The Trial of John Peter Zenger



Haymarket play

Midland v. Pence (Mock trial, grades 7–12)

A criminal trial of demonstrators who protested the alleged misconduct of the superintendent of prisons. The trial addresses the issues of freedom of speech, peaceful assembly, and the need to maintain order for the safety and general welfare of the public.

PC# 317-0118 $4.00 individual; $97.50 (class set of 30)

Murphy v. National Sheet Metal (Mock trial, grades 7–12)

A civil trial that addresses the question of equal employment opportunity for women and the effect it has had on employers' hiring and promotion practices.

PC# 317-0119 $4.00 individual; $97.50 (class set of 30)

Hudson v. The Washington Post (Mock trial, grades 7–12)

The case of a divorced father who has custody of his and his former wife's son. The mother abducted the child, and her story appeared in *The Washington Post*. The issue is whether the best interests of a child and a father's right to custody outweigh a reporter's and newspaper's right to maintain the confidentiality of their sources.

PC# 317-0120 $4.00 individual; $97.50 (class set of 30)

PLAYS

These two short plays include scripts and complete stage directions—everything a high-school, college, or adult group needs to put on memorable dramatizations of two key moments in the development of American law.

The Trial of John Peter Zenger

(5 scenes) This landmark in the history of free press in America is a particularly good play for celebrating the theme of this year's Law Day. This exciting dramatization of the celebrated colonial trial of a printer is highlighted by the defense put on by the great lawyer Andrew Hamilton. As Benjamin Franklin wrote of Hamilton's argument, "If it is not law, it is better than law, it ought to be law, and it will always be law wherever justice prevails." Gouverneur Morris said much later —"The trial of Zenger in 1735 was the morning star of that liberty which subsequently revolutionized America."

PC# 317-0037 $4.00 individual; $97.50 (class set of 30)

Haymarket: Whose Name the Few Still Say with Tears

(11 scenes) The 1886 "Haymarket Riot" is dramatized in this script based upon the Haymarket Square trial transcript, newspapers of the day, and the speeches, writings, and letters of the participants.

PC# 317-0038 $4.00 individual; $97.50 (class set of 30)

Putting on Mock Trials

Aids teachers and lawyers in setting up mock trials for elementary and secondary students. Topics include types of mock trials, preparing for and conducting mock trials, steps in a trial, simplified rules of evidence, judging, and seven sample trials—a criminal case for grades 5–6, two cases exploring mediation and adversarial procedures (one for middle grades, one for secondary), two small-claims mock hearings (secondary), a historical mock trial (secondary), and an administrative hearing on an immigration matter (secondary). 24 pages.

PC# 497-0034 $5.00

Criminal Law Trials—New This Year!

For Law Day information, find us on the net at http://www.abanet.org/publiced/home.html

LEAVE-BEHINDS FOR ELEMENTARY AND SECONDARY SCHOOL STUDENTS

Make the Law Day experience a lasting one—leave students with a memento. Here are ideas for inexpensive leave-behinds for younger and older students.

Law Day Pencils

Multicolored no. 2 lead pencils, with white Lady Justice and Law Day imprint.

PC# 317-0091 $4.00 per package of 50

2 packages @ $7.25
3 packages @ $6.75
4 packages @ $6.25
5 or more packages @ $6.00

Law Day Pencils

Mug/Pencil Combination

Don't forget the teacher! Special combination lets you give a Law Day pencil to every student and a Law Day mug to the teacher.

PC# 317-0151 $13.00 for 1 Law Day mug and 50 pencils

2 packages @ $11.50
3 packages @ $11.00
4 packages @ $10.50
5 or more packages @ $10.00

Mug/Pencil Combination

Law Day Glitter Pencils

Shiny blue glitter pencils with white Law Day and Lady Justice imprint.

PC# 317-0106 $15.00 per package of 50

2 packages @ $13.50
3 packages @ $13.00
4 packages @ $12.50
5 or more packages @ $12.00

Constitution Law Day Buttons

In red, white, and blue. Safety-lock pin (2 1/4" round).

PC# 317-0124 $8.00 per package of 30

2 packages @ $7.25
3 packages @ $6.75
4 packages @ $6.25
5 or more packages @ $6.00

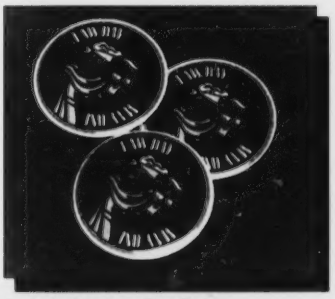
Constitution Law Day Button

Lady Justice Law Day Buttons

In burgundy, white, and blue. Safety-lock pin (2 1/4" round).

PC# 317-0103 $8.00 per package of 30

2 packages @ $7.25
3 packages @ $6.75
4 packages @ $6.25
5 or more packages @ $6.00



Lady Justice Law Day Buttons

Stickers

Little kids love stickers—they'll especially appreciate these in grades K–3. Stickers display Lady Justice figure in burgundy and blue. Pressure sensitive and 2 3/4" wide.

PC# 317-0102 $8.00 per roll of 200

2 rolls @ $7.25
3 rolls @ $6.75
4 rolls @ $6.25
5 or more rolls @ $6.00

Lollipops

Pops of many colors, wrappers say "Law Day."

PC# 317-0098B $9.00 per package of 30

2 packages @ $8.00
3 packages @ $7.50
4 packages @ $7.00
5 or more packages @ $6.50

Stickers

59

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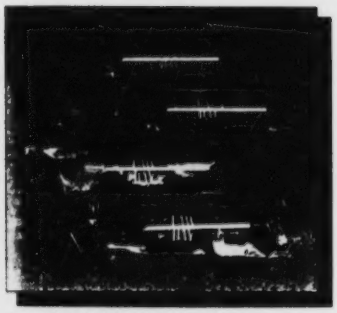
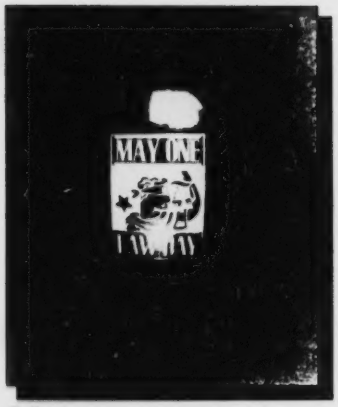
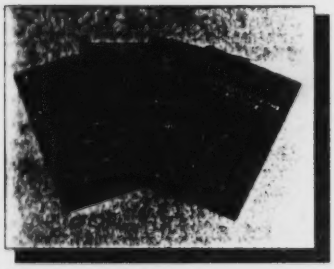


Law Day Lollipops



Balloon



Pocket Constitution

Balloons

Inflatable blue crystal latex (9" across, with Lady Justice imprint in white).

PC# 317-0097 $10.00 per package of 50

2 packages @ $9.00
3 packages @ $8.50
4 packages @ $8.00
5 or more packages @ $7.50

Law Day Bag Tag

Give them out as backpack tags. Lady Justice and Law Day imprint, 2 1/2" diameter.

PC# 317-0134 $10.00 per package of 10

2 packages @ $9.00
3 packages @ $8.50
4 packages @ $8.00
5 or more packages @ $7.50

Constitution Law Day Card/Flyer

Attractive #7 envelope-size card features this year's art and delivers key Law Day points. Available in packages of 100.

PC# 317-0129 $10.00 per package of 100

2 packages @ $9.00
3 packages @ $8.50
4 packages @ $8.00
5 or more packages @ $7.50

Constitution Law Day Bookmarks

Handsome 7 1/2" x 2 1/8" bookmarks include Law Day/Constitution message.

PC# 317-0130 $8.00 per package of 100

2 packages @ $7.25
3 packages @ $6.75
4 packages @ $6.25
5 or more packages @ $6.00

Pocket Constitutions

Handsome commemorative edition includes latest amendments. Dark blue leatherette cover, 32 pages, 3 1/2" by 5 3/4".

PC# 317-0033 $1.00

2–9 copies @ $0.90
10–29 copies @ $0.80
30–99 copies @ $0.70
100–499 copies @ $0.60
500 or more copies @ $0.50

In Search of Justice

Traces America's search for justice throughout our history, 66 pages.

PC# 317-0034 $2.00

2–9 copies @ $2.00
10–99 copies @ $1.50
100 or more copies @ $0.75

Give one to every youngster!

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CLASSROOM MATERIALS AND HELPFUL TIPS

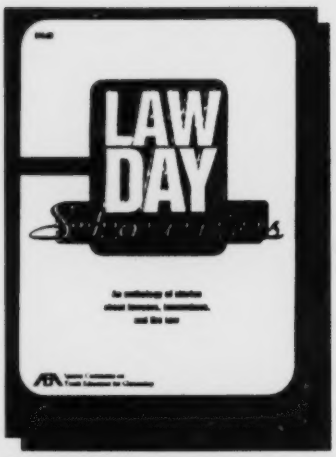
Help for any lawyer, judge, or law-enforcement person who wants to reach out to kids and for the teacher who wants compelling, up-to-date material about the law.

PERFECT FOR LAW DAY!

Law Day Stories

Give students the opportunity to experience law at its finest. These inspirational stories about lawyers, judges, and the law are one resource you won't want to do without. Use them for students' role plays, tableaux, speeches, reports, readings, recitations, and just plain inspiration. 96 pages.

PC# 497-0074 $10.00



Law Day Stories

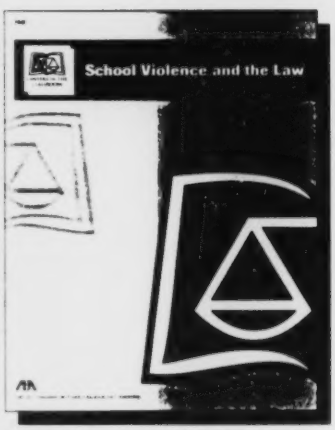
Lawyers in the Classroom Series—For Lawyers

Whether you're a lawyer about to make a classroom presentation—or a teacher looking for expert help—these three booklets are your indispensable teaching tool! Each booklet contains teaching units for grades 4–6, 6–8, 9–12. Includes background materials and lesson plans, worksheet and transparency masters, puzzles, and other leave-behinds for teachers and students.

School Violence and the Law

Helps teach about possible legal solutions to juvenile violence—in and out of school. 32 pages.

PC# 497-0075 $10.00



School Violence and the Law

Equal Protection Under Law

Features classroom presentations about access to free public education—who gets it? 32 pages.

PC# 497-0076 $10.00

Diversity and the Law

Provides lessons that deal with the legal dimensions of multiculturalism. 32 pages.

PC# 497-0077 $10.00

UPDATE GIVES YOU THE LATEST DEVELOPMENTS

1996 Law Day Special Issue of Update on Law-Related Education

The greatest influence on the attainment of the American constitutional dream has been, and will continue to be, the nature of people's civic participation. This special issue of *Update* magazine looks at character education through the lens of constitutional values and asks what place it might have within the civic framework. Unique articles and teacher-tested classroom activities make this *Update* a must for Law Day volunteers.

PC# 738-0100-2001

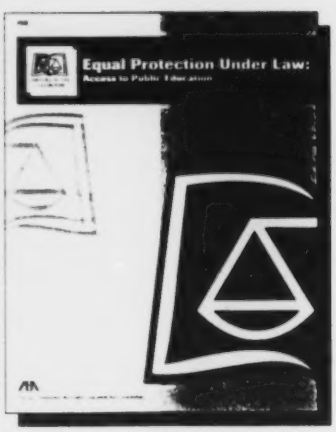
1–9 copies @ $6.00
10 copies, $40.00
30 copies, $80.00
50 copies, $115.00
100 copies, $160.00

1996 Law Day Student Edition of Update

A 16-page magazine on this year's theme packed with creative law-related features by and for students. Order 20 or more copies and not only get a terrific discount that makes giving a copy to each student a possibility within every budget, but also receive one free copy of the 1996 Special Issue of *Update*.

PC# 497-0051

1–19 copies @ $3.00
20–99 copies @ $1.50
100 or more copies @ $0.75



Equal Protection Under Law

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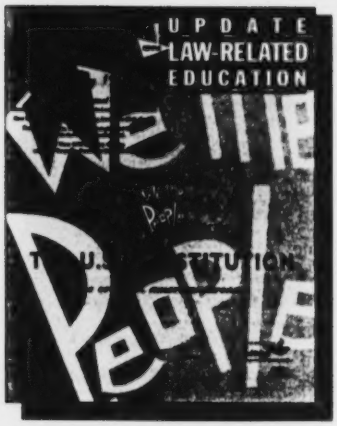

Update on Law-Related Education

Docket on Disk

319 Current Videos and Software for K–12 Law-Related Education

A Year's Subscription to Update Plus

The most complete collection of timely law-related education materials for secondary-level educators. Designed specifically for teachers, curriculum specialists, and others who need ready-to-use resources that are as current as today's headlines. *Update Plus* includes:

- Three issues of *Update on Law-Related Education*, a unique, award-winning magazine containing teacher-tested activities and thought-provoking articles that explore issues at the cutting edge of civic education.
- Three issues of *Update on the Courts*, a one-of-a-kind publication, available only to *Update Plus* subscribers, that looks at significant Supreme Court cases before and after they are decided and provides educators with classroom activities that illustrate the legal issues involved.
- Three issues of the newsletter *LRE Report*, with stories on the issues, trends, people, and products that make news in LRE; special Plus Poster Page for *Update Plus* subscribers only.
- One issue of the Student Edition of *Update on Law-Related Education*, a magazine for middle- and secondary-level students that heightens their interest in the law and legal issues with a variety of creative features and activities.

PC# YE05 $30.00

To order subscriptions, call (312) 988-5735.

The Constitutional Updates

Four collections of great articles and strategies for lawyers and teachers alike, drawn from the best of past issues of *Update*. Each contains 24 pages of articles and strategies on a fundamental Bill of Rights concept. *Equality* focuses on grades 7–12, while the others are appropriate for grades K–12.

Equality **(PC# 497-0017)** $3.00
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AND DON'T FORGET...

Docket on Disk: A Digest of Supreme Court Decisions from 1977 through 1993

Explore easily searchable summaries of nearly 400 U.S. Supreme Court cases chosen for their significance to grade 7–12 students. Browse through legal topics via search terms such as "due process," "habeas corpus," "sex discrimination," and "voting rights." Or look up specific cases such as *Hazelwood School District v. Kuhlmeir*, *New Jersey v. T.L.O.*, and *Silkwood v. Kerr-McGee Corporation*. IBM-compatible only.

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319 Current Videos and Software for K–12 Law-Related Education

An annotated bibliography of exciting products perfect for lawyers making classroom presentations or for enhancing the quality of ongoing LRE programs. It will help you access the growing number of products currently available and tell you what they cost and how to order. 48 pages.

PC# 497-0036 $5.00

LRE Toolkit: The LRE Resource Center in a Box

A boxed set of over 40 publications and articles (plus the "A More Perfect Union" videotape) on topics ranging from "What Is LRE?" to "Fund-Raising" to "How to Involve Your Community in LRE" and much more. A "must have" for old hands or newcomers.

PC# 497-0053 $75.00

Indispensable Tool!

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SCHOOL-COMMUNITY HANDBOOKS

Whether you're a lawyer, a judge, or a teacher, learn how to get the most from working together. These action-oriented guides provide how-to strategies and practical tips on everything from Law Day programs and mock trials to time-tested presentations by legal professionals.

Law Day Partnerships

Helps readers improve and expand their Law Day programs. 8 pages.

PC# 497-0006 $3.00

Lawyers in the Classroom

Advice for lawyers volunteering as classroom resource persons. 8 pages.

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Sure-Fire Presentations

Newly expanded. Offers one-session classroom strategies for teaching elementary and secondary students about the law. 24 pages.

PC# 497-0010 $5.00

Putting on Mock Trials

Aids teachers and lawyers in setting up mock trials for elementary and secondary students; includes seven sample trials. 24 pages.

PC# 497-0034 $5.00

The Courts and the Schools

Details ways judges and court personnel can contribute to LRE programs. 19 pages.

PC# 497-0012 $5.00

Police-School Partnerships

Demonstrates how law-enforcement officers can be used to increase knowledge about the law and establish positive contact with young people. 8 pages.

PC# 497-0019 $3.00

One-Day LRE Conferences

Provides how-to advice on holding a one-day conference on law-related education (LRE), with simple letters, forms, and agenda. 12 pages.

PC# 497-0009 $3.00

Establishing Links to the Schools

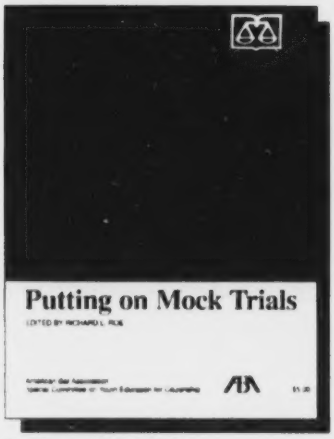
Helps community LRE volunteers form partnership programs with schools. 14 pages.

PC# 497-0014 $3.00

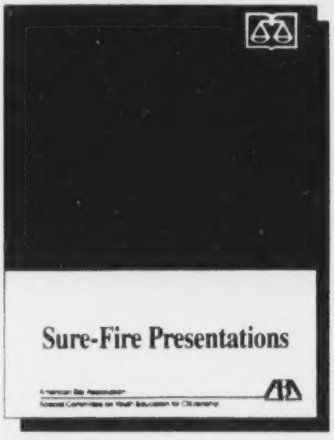
Everybody Wins: Mediation in the Schools

Practical tips on creating school-based mediation programs in elementary through high school. Provides model programs. 16 pages.

PC# 497-0039 $5.00



Putting on Mock Trials



Sure-Fire Presentations

EQUAL JUSTICE RESOURCE

Equal Justice Under the Law

A great instructional tool for Law Day this year. As we approach the 120th anniversary of Legal Aid in America in 1996, this school instructional guide helps you teach about legal aid, indigent defense, and volunteer lawyer movements, all of which have advanced equal justice throughout the country. Included are substantive articles, teaching strategies, student forums, and much more. For information about the "Equal Justice Under the Law" instructional guide and the National Equal Justice Library, contact Harriet Wilson Ellis, telephone (312) 988-5713, fax (312) 988-6281.

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To order call (312) 988-5522

Law-Related Education Essentials Matrix

From *Essentials of Law-Related Education*. © 1995 American Bar Association.

Subject Matter	TS p. 12	TS p. 20	TS p. 26	TS p. 33	TS p. 39	SF p. 47
How laws are made, enforced, and interpreted	x	x	x		x	
How law relates to key concepts and values, including power, justice, liberty, and equality, under both actual and possible social conditions	x	x	x	x	x	x
What key concepts and attributes are of U.S. constitutionalism						
balance of majority rule and minority rights						x
social contract and rights and responsibilities		x		x		
democracy and republicanism						x
enumerated rights (Bill of Rights)			x		x	x
Role of courts and other institutions/professionals of the justice system in American government and society			x			
Fundamental constitutional rights						
freedom of speech			x			
religious freedom			x			x
U.S. Constitution and Bill of Rights			x		x	x
Landmark U.S. Supreme Court Cases			x			
Contexts and Practices of Instruction						
Access to, and use of, community resource leaders		x				x
Access to, and use of, exemplary instructional materials	x	x	x	x	x	x
Student-centered classroom	x	x	x	x	x	x
Problem-oriented approach to instruction	x	x	x		x	x
Developmentally appropriate instruction	x	x	x	x	x	x
Instruct interactively						
use cooperative learning strategies, simulations, and role plays	x		x			x
use group work activities, including group research projects		x				x
incorporate community-based learning into instruction		x				x
use experiential learning strategies	x	x	x			x
Develop curriculum						
balanced	x	x	x	x	x	x
relevant	x	x	x	x	x	x
deliberate in consideration of controversial issues	x	x	x	x	x	x
Emphasizes "authentic" assessment (integrates with the total instructional process)	x	x	x	x	x	x
Bases assessment on performance and outcomes	x	x	x	x	x	x
Provides opportunities to apply what has been learned		x		x		x
Skills						
Organizing information	x	x	x	x	x	x
Analyzing and interpreting judicial opinions and other legal documents or issues	x		x			x
Summarizing and synthesizing law-related information	x	x	x	x	x	x
Critically assessing laws and legal issues	x	x	x		x	x
Making informed decisions and judgments about situations involving the law and legal issues	x	x	x		x	x
Articulating and expressing ideas, beliefs, and opinions regarding legal issues	x	x	x	x	x	x
Persuading others regarding beliefs and actions related to the law		x	x			x
Working cooperatively with others to make decisions and take actions concerning hypothetical or actual legal and law-related social issues		x				x
Attitudes, Beliefs, and Values						
Cultivating a commitment to constitutional democracy		x	x	x		x
Valuing informed, active, and responsible participation in civic life	x	x	x	x		x
Understanding how collective values, beliefs, and dispositions reflect and shape law	x		x			x
Understanding how attitudes, values, and beliefs essential to LRE are fostered through teaching of fundamental subject matter employing critical instructional practices	x	x	x	x	x	x

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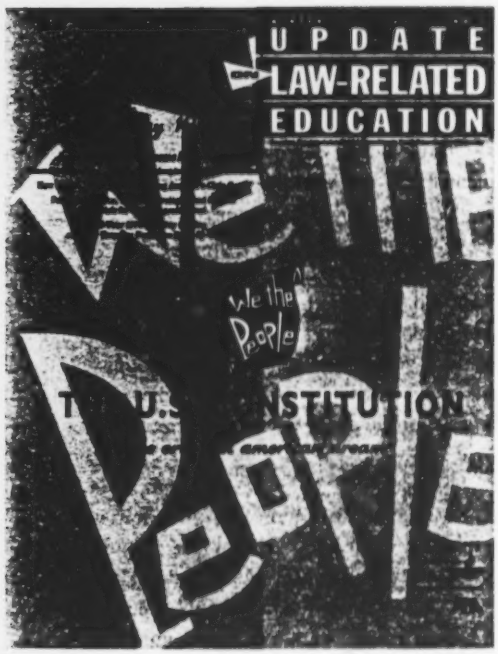

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Conflict Resolution—What Are Its Foundations, Practices, Successes... and Future?

- Peer Mediation
- Youth Center Conflict Resolution Programs
- Diversity and Conflict Resolution
- Creating Peaceable Schools
- Children, Courts, and Dispute Resolution
- Teaching Strategies and Student Forum

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SPRING 1996 / VOL 20 NO 2

UPDATE ON LAW-RELATED EDUCATION

American Bar Association Special Committee on Youth Education for Citizenship

Conflict Resolution

What Are Its Foundations, Practices, Successes... and Future?

Featuring Articles, Teaching Strategies, and Student Materials for the LRE Professional

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66

The American Bar Association's 8th National Conference on Children and the Law

"Achieving Justice in Child-Related Conflicts"

Sponsored by the ABA Section of Dispute Resolution and the ABA Center on Children and the Law

Hyatt Regency Crystal City Hotel • Arlington, Virginia (Just Outside Washington, D.C.) • June 6–8, 1996

In cooperation with the ABA's Young Lawyers Division, Section of Family Law, Tort and Insurance Practice Section, Judicial Administration Division, Steering Committee on the Unmet Legal Needs of Children, Special Committee on Youth Education for Citizenship; and the cooperative support of the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Association of Family and Conciliation Courts, National Association for Community Mediation

SUMMARY CONFERENCE SCHEDULE

For full brochure, please contact Jennifer Dabson at (202) 662-1687.

JUNE 6

4:30 P.M. Conference Registration

5:00 P.M. Reception

6:30 P.M. Children's performance groups

7:15 P.M. Welcoming Remarks and Opening Session: Keeping Kids Safe from Violence

JUNE 7

8:30 A.M. Plenary Sessions

- Turning Conflict Resolution into a Statewide Initiative
- A Native American Justice Circle
- Selling Conflict Resolution to Your Local Judge

11:45 A.M. Lunch Break and An Innovative Conflict Resolution Program Fair

1:00 P.M. Workshop Session 1

- Using Mediation to Resolve Conflicts About Special Education
- Mediation in Child Abuse and Neglect Cases
- Classroom Dispute Resolution
- Juvenile Offender-Victim Mediation
- Communicating Across Ethnic and Professional Cultures

2:30 P.M. Workshop Session 2

- Mediating Custody Disputes
- "Family Group Conferences"
- Hateful Speech and Gang Issues
- Conflict Resolution in Juvenile Detention/Correctional Institutions

4:00 P.M. Workshop Session 3

- Family Dispute Prevention
- Systemic Complaint Innovations
- Enhancing the Mediation Environment in Schools
- Mediating Parent-Child Disputes
- Communicating Across Ethnic and Professional Cultures (Repeat)

5:00 P.M. Networking

JUNE 8

9:00 A.M. Plenary Sessions

Youth Mediation-in-Action 2: A Peer Mediation Demonstration

12:00 noon Conference Luncheon and Speaker: The Future of Conflict Resolution Involving Children, Families, and Schools

1:45 P.M. Concurrent Plenary Sessions

- Children's Participation in the Mediation Process

3:30 P.M. Workshop Session 4

- Negotiated Terminations of Parental Rights
- Innovative Resolution of Chronic School Truancy and Severe Discipline Cases
- Teen Courts: Benefits and Limitations
- Developing School-Based Peer Mediation Program
- Creating a "Kids and Cops Dialogue" Program

5:00 P.M. Conference Ends

PRE-CONFERENCE SKILLS BUILDING COURSE, JUNE 6:

10:00 A.M.–4:00 P.M.

(1) Basic Mediation Skills (2) Questioning Children — Gaining Linguistic Competence (3) Improve Your Writing: Communicating More Easily

Front Cover Illustration by Dan Vick Design by DePinto Graphic Design
Produced by Creative Services Associates, Inc.
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ISSN 0147-8648 PC #738-0100-2002
Prepared under Grant #95-JS-FX-0017 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.
Update on Law-Related Education is published three times each year (winter, spring, fall) by the American Bar Association Special Committee on Youth Education for Citizenship. Chair: Al Ellis; Director, Division for Public Education: Mabel C. McKinney-Browning; Director, Youth Education Programs: Ronald A. Banaszak; Director, Publishing and Marketing: Seva Johnson
Update helps classroom teachers and law-related education program developers educate students about the law and legal issues. The views expressed in this document are those of the authors and have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association, the U.S. Department of Justice, or the Special Committee on Youth Education for Citizenship.

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DON'T MISS OUR SPECIAL EDITION ON
Elections

Contents

Volume 20, Number 2
Spring 1996

Conflict Resolution

2 Foreword *Donna Crawford*

4 Understanding Conflict Resolution—School Programs for Creative Cooperation
Judith M. Filner *and* ***Judith A. Zimmer*** *discuss how conflict resolution programs can work in the school, if they are done right.*

7 From Peer Mediation to Peaceable Schools
Richard Bodine *explains how peer mediation is a good start when it comes to conflict resolution, but it is only one step in creating peaceable schools.*

10 **Teaching Strategy**—Teaching Students to Be Peacemakers
David W. Johnson *and* ***Roger T. Johnson*** *give students training in negotiation so they may be able to handle conflicts on their own.*

14 Youth-Focused Conflict Resolution and the Mission of Education
Donna Crawford *explains that there are valid, even compelling, reasons why every school should teach problem-solving techniques to students.*

17 **Teaching Strategy**—"Meet or Eat!" Competition vs. Collaboration
Jared R. Curhan *describes a game called "Meet or Eat!" that presents students with a choice between collaboration and self-serving detection, bringing to bear the significance of trust in relationships.*

22 Multicultural Education: Another Look
Pamela Moore *discusses applying the principles of problem solving to the debate on traditional versus multicultural education.*

26 **Teaching Strategy**—Identifying Behaviors That Satisfy Basic Needs
Terrence Wheeler *and* ***Anita Whitely*** *identify how effective conflict resolution requires an understanding of basic human psychological needs.*

29 Children and the Courts
Resa L. Harris *discusses how more and more children are being brought into courts, some of which are coping with the situation better than others.*

32 Mediation Hawaiian Style
Manu Aluli Meyer *and* ***Albie Davis*** *explain how, in the Hawaiian culture, mediation entails a far deeper understanding of conflict than is typical in mainstream America.*

34 Take Me Out to the Ball Game
Shay Bilchik *shows how the 1994–95 baseball strike (World Series cancelled) was a prime example of conflict resolution that didn't work.*

38 **Teaching Strategy**—Frames for Exploring Conflict
Carol Miller Lieber *shows how conflict frames can be used to systematically think about conflict.*

44 **Student Forum**—How Can the Members of a School Board Reach a Consensus on a Controversial Policy?
Frank Kopecky *and* ***Gayle Mertz*** *focus on mediation as a conflict resolution strategy for handling disagreements about school discipline policies.*

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*The ABA Committee on Youth Education for Citizenship wishes to thank Judy Filner, program director at the National Institute for Dispute Resolution, and Judy Zimmer, deputy director at the National Institute for Citizen Education in the Law, for their participation as consulting editors and reviewers for this edition. The Committee also wishes to acknowledge and thank Judge Resa L. Harris, district court judge in Charlotte, North Carolina, and chair of the ABA Section of Dispute Resolution, for her special contribution and interest in the project, as well as staff members Jack Hanna, section director, and Jennifer Dabson, project director, for their assistance in planning and review. Special thanks and congratulations go to guest editor Donna Crawford of the Illinois Institute for Dispute Resolution, who has proven that the highest quality is indeed possible on the shortest deadline. This edition reflects not only her commitment to, but her tenacity in, furthering the success of conflict resolution education in our schools.—**The Editors***

Foreword

Against the backdrop of declining ethical behavior and escalating violence in this nation, we must be fully cognizant of our roles as initiators and nurturers of peacemakers. The future of our world depends on citizens who possess the ability to resolve conflicts. We must all be responsible for finding solutions to problems and for taking constructive risks in solving them. Peacemaking is behaving in harmony with a larger wholeness. The harmony begins when each individual is connected to a social integrity that permits everyone to live without violating the rights of others. Because there appears to be a lack of cooperative behavioral examples from which youth can learn, peacemaking—in the form of conflict resolution—must be taught.

While conflict resolution education does not mean that all issues are resolvable through the collaborative problem-solving process, it does permit parties to work together to resolve disputes to their mutual benefit. Learning to choose an appropriate strategy for dealing with a particular conflict is part of the educational experience. When there is a likelihood of future interactions between individuals, it is reasonable to assume that mutual problem solving may improve the quality of those interactions. The key word here is *voluntary*, and individuals should not engage, or be required to engage, in processes if they are unwilling to seek resolutions that are mutually beneficial.

Conflict resolution education programs are designed to preserve and honor diversity. Many conflicts in schools, as in society, are about diversity issues: Cultural conflicts based on differences in national origin and/or ethnicity or on social differences such as gender, sexual orientations, social class, or mental and physical abilities. Personal and institutional reactions to diversity often take the form of prejudice, discrimination, harassment, and hate crimes. Diversity conflicts are complex because they are rooted in prejudice and discrimination related to these cultural and social differences and in the resulting structures and relationships of inequality and power. Persons committed to conflict resolution programs can challenge prejudice, but only if they wish for peace and work for justice—social justice.

Peacemaking is not easy, and conflict resolution has an underlying premise that disputes are inevitable and natural. Any credible conflict resolution program helps youth understand the positive and negative effects of con-

flict and the difficulties in employing the problem-solving process. When individuals learn and practice the processes involved, conflicts may result through careful adherence to them. Because conflict resolution is counter-intuitive, for most persons a conflict resolution program must provide abundant practice opportunities. Youth and adults must overlearn these behaviors, as successful use of conflict resolution requires internalization of skills and processes.

Quality conflict education and peaceful behavior are not achieved by rote, but rather by dealing with the deeper issues of the problems that occur in our daily lives. Unless these issues are explored, conflicts cannot be resolved. Unfortunately, the most prevalent behavior exhibited in a confrontational situation is "fight-or-flight." Neither fighting nor fleeing results in peace. What is not generally recognized is that compromise rarely provides a long-term resolution to disputes. Problem solving most often centers on attempts to reconcile opposing positions. Compromise involves each disputant giving up some of his or her respective positions to reach an agreement that allows the disputants to walk away from the problem. If the problem resurfaces—as it most often does—the disputants remember not what they received during the prior negotiations but rather what they gave up. Positions do not define the problem, and any solution based on opposing positions will have no long-term effect because the underlying problem still exists. Problems can be solved only if the real interests of the parties are brought to light and addressed.

Conflict resolution education provides both youth and adults in the school community an opportunity to solve their problems peacefully. Imagine a society in which every individual is able to survive and thrive without being hampered by conflict, prejudice, hatred, antagonism, or injustice. Widespread training in conflict resolution could make it happen.

Donna Crawford

Donna Crawford
Executive Director of the Illinois Institute
for Dispute Resolution in Urbana

Understanding Conflict Resolution—School Programs for Creative Cooperation

Conflict resolution programs can work in the school, if they are done right.

Judith M. Filner and Judith A. Zimmer

Update on Law-Related Education, 20.2, 1996, pp. 4–6. © 1996 American Bar Association.

If I can't be a drum major, then I would like to be a bridge builder.
Rev. Martin Luther King, Jr.

The scaffolding to support "bridge builders" must be established in schools and communities around the country. Schools are the perfect community in which to teach students skills that build their capacity to resolve conflicts while preparing them for their roles as citizens in the give-and-take of our democratic society. High dropout rates, lack of student motivation, high suspension/expulsion rates, and the alarming level of school violence call for a good hard look at school problem-solving processes.

When teachers, school administrators, parents, and policy makers think of problem solving, they think of conflict resolution programs, and they usually assume that these programs by themselves are a fix (quick or otherwise) for poor discipline and violence in the school. This is not the case. Achieving a productive discipline structure in a school, or reducing school violence, is not achieved by one program or by one approach. Conflict resolution programs are, however, an important strategy in addressing conflicts at schools, and thus are one of the strategies schools should adopt to aid in the development of a comprehensive school "creative cooperation" plan.

Before jumping on the conflict resolution bandwagon, teachers, principals, students, school administrators, and parents must understand what a conflict resolution program is, how it can be incorporated into the school day, and how it might support the educational mission of the school.

Judith M. Filner is a program director for the Youth Program at the National Institute for Dispute Resolution (NIDR) in Washington, D.C. The National Association for Mediation in Education has become part of the NIDR Youth Progam. Judith A. Zimmer is deputy director at the National Institute for Citizen Education in Washington, D.C.

What Is Conflict Resolution?

Many programs and curricula purport to be conflict resolution. A bona fide conflict resolution program consists of these three components: (1) a set of problem-solving principles, (2) a structured process, and (3) the skills for creative cooperation between individuals and among groups.

Underlying a conflict resolution program or curriculum are the notions that conflict is natural and normal; differences can be acknowledged and appreciated; conflict, when viewed as a solution-building opportunity, can lead to positive change; and when the conflicting parties build on one another's strengths to find solutions, a climate is created that nurtures individual self-worth and opportunities for fulfillment of each individual's needs (Crawford).

Problem-Solving Principles of Conflict Resolution

The basic principles of conflict resolution, as articulated by Fisher and Ury in their original work *Getting to Yes* (1981), are

- separate the people from the problem,
- focus on interests, not positions,
- invent options for mutual gain, and
- use objective criteria as the basis for decision making.

Structured Process: Six Basic Steps of the Conflict Resolution Process

Conflict resolution is more than a set of principles, but the core principles are the foundation for a structured process. Structured processes, such as mediation, negotiation, and collaborative problem solving, have as their basis a series of steps that empower the individuals in a conflict to identify their own needs and interests and to work cooperatively to find solutions to

meet those needs and interests. The structure itself gives support and direction to the cooperative effort, assisting the parties in staying focused on the problem, not the people, and in finding a mutually acceptable solution, one based not on compromise, but rather on cooperative problem solving. The basic process steps can be described as follows:

- Set the stage.
- Gather information.
- Identify issues.
- Generate options.
- Evaluate options.
- Reach agreement.

Conflict Resolution Skills for Creative Cooperation

The third component of a conflict resolution program or curriculum is a set of skills that are used to effectively achieve the principles and the process. These skills are too numerous to describe fully in this article, but they include communication skills, multicultural understanding, cognitive idea-building, and problem-solving skills.

- Communication skills encompass using "I" messages, listening with empathy, and probing effectively to gather information.
- Understanding must be sufficiently broad to take into account different perspectives related to race, culture, religion, gender, and age.
- Creative thinking processes entail problem identification and a variety of problem-solving skills such as lateral thinking, critical thinking, and decision making.

How Conflict Resolution Can Be Used in Your School Setting

There are essentially three ways that conflict resolution can be used in a school setting. The categories are useful in order to describe the focus of each type of program, but some of the best designs have evolved in schools where the foundation skills and processes allow for gradual expansion from one type of program to another. The categories include

1. Peer Mediation Programs
2. Curriculum Integration/Whole Classroom Programs
3. Whole School Programs

Peer Mediation Programs

The National Association for Mediation in Education (NAME), a program of the National Institute for Dispute Resolution (NIDR), estimates that there are over 5,000 individual conflict resolution programs in the nation's 16,000 school districts. Nearly all of these are peer mediation programs. Current school-based mediation programs have expanded the ability of schools to develop discipline options, but they often fall short of instilling the basic skills of personal conflict resolution in all students.

Schools that establish peer mediation programs typically choose a diverse cross section of students to receive the 20–30 hours of mediation training. Trained student mediators handle referrals of students in conflict over many issues, including rumors, name-calling, fights, theft, and other types of conflicts that are within the school's policy of "mediatable."

Curriculum Integration/Whole Classroom Approach

This approach focuses on teaching conflict resolution skills throughout the traditional school curriculum. Its goal is to help *every* student better understand and handle conflicts that arise as a part of everyday life. Teaching students a range of conflict resolution skills such as negotiation, collaborative problem solving, and mediation better equips them to resolve differences without resorting to violence, thus encouraging them to better manage their own behavior.

This model begins by teaching teachers the skills of conflict resolution, followed by assisting them in looking at their existing course outlines to decide where they can teach and reinforce conflict resolution skills during the school year. The interdisciplinary connections offered by this approach provide opportunities for integration into core subject areas and school governance processes. One of the most important aspects of this approach is the fact that just about everyone in the school gets exposed to the philosophy, vocabulary, and skills of conflict resolution.

Whole School Approach

Under this design, students learn conflict management/mediation skills linked through school rules to justice and fairness issues. This approach focuses on an informal, hidden curriculum within the school setting that is often called the "Peaceable School" or "Peaceable Classroom" approach. Here the entire school "community" (students, administrators, staff, faculty, parents, and community members) assesses the current school governance process, the general atmosphere, and attitudes in the school; and everyone is trained to use negotiation, mediation, and collaborative problem-solving techniques.

How Conflict Resolution Might Support Your Educational Goals

In considering the implementation of a conflict resolution program or curriculum, schools must consider their educational mission and how they wish to use conflict resolution to support it. This article has focused on one way a conflict resolution program might support the educational mission of the school. There are other frameworks in which to build the bridge between conflict resolution and the educational mission of the school.

Violence Prevention and School Discipline

As mentioned at the outset, conflict resolution is a violence prevention tool, but should not be considered the only tool in a violence prevention strategy or policy for a school or school district.

In developing a violence prevention policy, schools should examine

their discipline philosophy and structures. The word *discipline* when used in school settings has come to mean "punishment." But *discipline* comes from the Latin word *disciplina*, which means "teaching and learning." Conflict resolution creates opportunities for schools to get back to the original meaning of *discipline* by helping students develop *internal* governance skills. The more schools emphasize external controls—metal detectors, security guards, and elaborate expulsion policies—the harder it is to return to the original meaning of discipline as education. Furthermore, reliance on these external controls does not prepare young people to live and participate in their community where external controls do not exist. Real discipline, and real violence prevention, comes from inside the person, and one way to develop it is through educational experiences designed to build individual student skills. The skills and concepts of conflict resolution provide the basic building blocks of internal discipline. The skills, processes, and principles of conflict resolution, as described above, can build the foundation for a nonviolent, cooperative approach to resolving differences and provide a framework for a lifetime of handling conflict constructively.

Educating for Democracy—Building Good Citizens

Goal 3 of the U.S. Department of Education's Goals 2000 calls upon schools to assess their ability to prepare students for good citizenship. Often partnered with law-related education, conflict resolution helps build knowledgeable and responsible citizens. We stated earlier that schools are the perfect community in which to teach skills that give students the capacity to resolve conflicts while preparing them for their roles as citizens in the give-and-take of our democratic society. Participation in a school discipline policy that includes a nonpunitive, problem-solving approach for all but the most serious infractions empowers students to take responsibility for rule making in the school and to be a stakeholder in solving behavior problems. Conflict resolution skills such as decision making, problem solving, and the ability to manage interpersonal differences fit squarely in any school's goal of preparing students to be good citizens.

Cooperative Learning

In "Educating for a Peaceful World," Morton Deutsch, founder of the International Center for Cooperation and Conflict Resolution at Teachers College, Columbia University, outlines the values, attitudes, and knowledge that foster constructive rather than destructive relations. Professor Deutsch feels that a school environment that provides daily experiences and modeling of cooperative relations and constructive resolution of conflicts, in combination with instruction in the concepts and principles of cooperative work, enables students to develop constructive conflict resolution skills for all aspects of their lives.

Education in a Multicultural Society

Much of the tension and conflict in schools comes from racial, cultural, religious, and other tensions based on prejudice or bias. In the broadest sense, the goal of conflict resolution programs is to provide students with better problem-solving strategies and decision-making skills. In the context of conflict based on a diverse or a multicultural society, these programs are integral to the way students and teachers relate to each other and to the way our schools are governed.

Summary

As educators, our intent is to encourage the development of students who see themselves as active, contributing citizens within their schools and gradually within the larger community. The school governance process—how the adults and students in a school relate to each other, and how the adults and students solve problems together—provides students with hands-on experience in justice and fairness issues. If students are going to develop the collaborative, creative problem-solving skills for getting along in (and supporting) a democracy, they will benefit greatly from learning conflict resolution skills.

Resources

Crawford, Donna, Director of the Illinois Institute for Dispute Resolution, and the editor of this issue of *Update on Law-Related Education.*

Fisher, R., and W. Ury. *Getting to Yes: Negotiating Agreement Without Giving In.* New York: Houghton Mifflin, 1981. ♦

FRED BASSET
by Alex Graham
Oh, dear, Jock and Yorky are fighting again.
Come on, boys, break it up!
You shouldn't fight like this - you're friends!
Why don't you just forget your differences and make up? What do you say?
I take it this means no!

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From Peer Mediation to Peaceable Schools

Peer mediation is a good start when it comes to conflict resolution, but it is only one step in creating peaceable schools.

Richard Bodine

Update on Law-Related Education, 20.2, 1996, pp. 7–9. © 1996 American Bar Association.

Mediation as a means of resolving conflicts has gained credibility and acceptance in many areas of society, ranging from divorcing couples to warring nations. Teaching students to use conflict resolution is producing results in improved school climates characterized by improved relationships and reduced confrontations and violence. Mediation training conveys the concept that each person is responsible for resolving disputes in a rational, peaceful manner. Mediation programs provide students and adults with an opportunity to manage conflict and resolve disputes with the assistance of a neutral third party utilizing a process that advances the reconciliation of both substantive issues and relationships. Mediation is a process in which a mediator, or co-mediators, serve as neutral process facilitators to help disputants negotiate an agreement. In the mediation process, the mediator creates and maintains an environment that fosters mutual problem solving. During the mediation, the disputing parties

- listen to each other's point of view,
- identify interests contributing to the conflict,
- create options that address the interests of both disputants,
- evaluate these options according to objective criteria, and
- create an agreement.

Although the mediator is responsible for controlling the process, the disputants are in control of the outcome. Participation in mediation is voluntary, and the mediator does not judge, impose a decision, or force a solution. The power of mediation lies in the recognition that conflicts cannot actually be resolved if the disputants themselves do not choose to do so, that disputants are the best judges of what will resolve the conflict, and that they are more likely to execute the terms of an agreement if they make the decisions themselves.

Richard Bodine is the president of Quality Learning, Inc., and education program director for the Illinois Institute for Dispute Resolution in Urbana.

Peer Mediation

Emerging in the early and mid-1980s, peer mediation programs have become one of the most widely used types of conflict resolution programs in schools. Schools establish peer mediation programs to address a variety of needs, such as the need to

- reduce the number of detentions and suspensions,
- encourage more effective problem solving,
- reduce the time that teachers spend dealing with conflicts between students,
- improve school climates, and
- give students an alternative for constructively solving their problems.

Successful peer mediation programs are present in schools throughout the nation because students themselves offer particular qualities that make these programs work. Students are able to connect with their peers in ways that adults cannot. Peer mediators are capable of framing disputes in the perspective, language, and attitudes of youth, making the process age appropriate. Students perceive peer mediation as a way to talk out problems without the fear of an authoritative adult judging their behavior, thoughts, or feelings. Peer mediators are respected because they honor the problem-solving process and win the approval of their fellow students by the way they conduct the mediation sessions. The self-empowering aspects of the process appeal to youth and foster self-esteem and self-discipline. When students come up with their own solutions to problems, they feel in control of their lives and are committed to the plans of actions that they have created to address their particular problems.

Training: In peer mediation programs, a cadre of diverse students is selected to participate in intensive training in foundation skills and the conflict resolution process of mediation. Peer mediation training takes a minimum of 12–15 hours of basic

training. An additional 12–15 hours of advanced training is recommended.

Basic training activities include

- Understanding Conflict
- Responses to Conflict
- Sources of Conflict
- Communication Skills
- Role of Mediator
- Mediation Process

Advanced training includes

- Bias Awareness
- Social/Cultural Diversity
- Advanced Communication
- Uncovering Hidden Interests
- Dealing With Anger
- Caucusing
- Negotiating
- Group Problem Solving

Students completing basic training are equipped to mediate most disputes between peers. Advanced training is designed to strengthen their abilities to use the mediation process. Respect for diversity and cultural realities are areas that must be advanced in teaching student mediators. Infusing training activities and simulations with cross-cultural and social justice issues provides an effective, relevant method to prepare peer mediators to deal with diverse conflicts.

Gaining expertise in conflict resolution skills and strategies such as mediation must be viewed as a lifelong process. Peer mediators need to overlearn procedures by using them as often as possible in conducting mediation sessions to resolve conflicts between peers and in ongoing training that focuses on mediator development.

Opportunities: While a peer mediation program offers every student a constructive means for resolving conflicts, the mediators themselves usually gain the most from the program. Peer mediators are able to acquire and internalize conflict resolution skills that will benefit them in their present and future lives. They often are able to be their own mediators. For this reason, many experts believe that peer mediation programs should exist, not as a solitary entity, but as an integral and critical part of a total school conflict resolution program that affords everyone, not just a select few mediators, the opportunity to develop conflict resolution skills. This view has birthed a movement to create peaceable schools.

Approaches

In the peaceable school, the pervasive theme touching the interactions between students, between students and adults, and between adults is the valuing of human dignity and self-esteem (Bodine, Crawford, and Schrumpf 1994, p. 2).

Peaceable schools are those in which conflict resolution is integrated within the system as a whole. Conflict resolution concepts and skills are learned and utilized by every member of the school community. The schools' climates reflect caring, honesty, cooperation, and appreciation of diversity. Peaceable school programs are comprehensive whole-school programs that incorporate

- cooperative learning environments,
- direct instruction and practice of conflict resolution skills and processes,
- noncoercive school and classroom management systems, and
- integration of conflict resolution concepts and skills into the school curriculum.

Peaceable school programs challenge youth and adults to believe and act on the understanding that a nonviolent, diverse society is a realistic goal. They create a system in which diversity is valued and encouraged and in which peacemaking is the normative behavior of adults and students alike. Peacemaking involves applying the conflict resolution foundation skills and processes to address interpersonal and intergroup problems and issues that confront students, faculty, administrators, and parents. The objectives of peacemaking are to achieve personal, group, and institutional goals and to maintain cooperative relationships.

In the peaceable school, the classroom is the place where students gain the knowledge base and skills needed to resolve conflicts creatively and where the majority of the conflicts are addressed. The classroom is therefore the unit block of the peaceable school (Bodine et al. 1994, p. 3).

In the peaceable school, it is recognized that the school environmental climate is pivotal to the success of the conflict resolution program. These programs offer training in the skills and the problem-solving processes of conflict resolution to all members of the school community. The employment of consensus decision making characterizes each classroom, and negotiation is used by all members of the school community to equitably resolve conflicts. Peer mediation is applicable both as a schoolwide conflict resolution strategy and as a service provided in the classroom to assist disputing students in settling their differences constructively. Peaceable school programs infuse conflict resolution into all facets of the school environment: between students, between students and teachers, between teachers and administrators, and between parents and school personnel. The development of effective conflict resolution behavior requires a relationship of mutual appreciation and trust between teachers and students. The success of each student in achieving quality conflict resolution skills depends, above all else, on the absence of coercion. The most important challenge to an educator is to relate consistently in a noncoercive way to each student (Bodine et al. 1994, p. 29). The same notion holds equally true for the interactions between and among adults.

Adoption of the peaceable school concept typically requires the school community to address specific elements in order to transform the school. Among elements of transformation are

- instituting conflict resolution training for the adults in the school;
- designing behavior expectations and management systems supportive of and in concert with conflict resolution theory;
- building a cooperative context through generous infusion of cooperative learning activities and cooperative interaction opportunities;
- providing opportunities for students to gain an understanding of conflict, peace, and peacemaking behavior;
- providing opportunities for each student to learn, practice, and utilize the problem-solving strategies of negotiation and/or consensus decision making within the classroom; and
- providing training and opportunities for students to serve as mediators within their classrooms to help their peers resolve issues that they either will not or cannot resolve through negotiation or consensus decision making.

Peaceable school approaches recognize that policies and practices inherent in the operation of schools often provide powerful contradictory messages to peaceful resolution of conflicts. For comprehensive conflict resolution programs to realize their maximum potential, rethinking those operations is inescapable. Unless the operational expectations of the system correspond to desired behavioral expectations for the individuals within the system, the contradictory messages will likely result in a continuation of current behavior. Two overarching areas to be addressed are the degree of competition promoted or demanded within the system and the manner in which behavioral expectations are enforced. Conflict resolution is problem solving for mutual benefit; thus, cooperation is an operational value of conflict resolution.

"It makes no sense to talk of constructive conflict management in schools structured competitively. The first step in teaching students the procedures for managing conflicts, therefore, is creating a cooperative context in which conflicts are defined as mutual problems to be resolved in ways that benefit everyone involved" (Johnson and Johnson 1992/1993, p. 8).

In competitive systems, individuals focus on self-interests, on the short term, and engage in problem solving to maximize their own outcomes at the expense of the other disputant (win-lose negotiation). In cooperative systems, individuals focus on mutual interests, on the long term, and engage in problem solving to maximize joint outcomes (win-win negotiation). The more cooperation is promoted and valued in the overall operation of the school, the more the problem-solving strategies of conflict resolution will seem natural, logical, and desirable. Cooperative systems create the context necessary for conflicts to be resolved constructively and reduce the factors that place individuals at risk of using violence.

Much of the dysfunctional behavior in conflict occurs when one party coerces the other. Typically, the intention of coercion is to force the other person to behave in a different way or to control another's behavior. The message of conflict resolution is to elect to problem solve, not to coerce.

Many school behavior management methods are based on punishment, not on discipline. Such programs are really designed to gain student compliance to externally imposed behavior expectations rather than to teach responsible, need-fulfilling behaviors. These programs place the adult manager in the system in a role of enforcer, and the enforcement occurs through coercion. Thus, the most significant observable behavior—the behavior of the adult model—is contrary to the message of respect, tolerance, and appreciation for differences.

The goal of peaceable school approaches is to create a discipline program focused on empowering students to regulate and control their own behavior. The program must allow educators to model an orderly, productive system featuring cooperation and persistent pursuit of constructive behavior. Students must be provided with alternative ways to behave—not just told to not behave in a particular manner. Thus, with these features, the behavior-management program becomes an educational program, and the problem-solving strategies of conflict resolution are presented as tools to enable individuals to plan for new, more effective behaviors and to commit to practicing those behaviors.

Summary

The popularity and success of peer mediation programs demonstrate the efficacy of teaching youth conflict resolution. Peer mediation is one of many viable starting points toward the development of a peaceable school. The educational goal for the promotion of responsible citizenship, reduced violence, and cooperative environments cannot be realized if only a few are offered the opportunity to learn and practice the strategies of conflict resolution. Since each youth in school today is expected to become a responsible, contributing adult, each youth should be afforded full opportunity to acquire the skills and to internalize the processes of conflict resolution. That is the mission of the peaceable school. Mediation plays an important role in the realization of that mission.

Resources

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Teaching Strategy

Teaching Students to Be Peacemakers

David W. Johnson and Roger T. Johnson

Update on Law-Related Education, 20.2, 1996, pp. 10–13. © 1996 American Bar Association.

Background

"Teaching Students to Be Peacemakers" is a conflict resolution and peer mediation program begun in the 1960s. The program consists of five parts (Johnson and Johnson 1995a, 1995b, 1995c), as follows:

Cooperative Environment

The more the school is a learning community where students help and assist each other to learn, the more constructively conflict will be managed. The easiest way to create a supportive environment is for the faculty to use cooperative learning techniques the majority of the day (Johnson, Johnson, and Holubec 1993).

Negotiation and Mediation

Students are taught to be peacemakers by learning how to (a) negotiate resolutions to their conflicts that maximize joint outcomes and benefit everyone involved and (b) mediate the conflicts of their schoolmates (Johnson and Johnson 1995a, 1995b). Students are taught a "problem-solving" negotiation procedure consisting of six steps: (1) describing what they want, (2) describing how they feel, (3) explaining the reasons underlying their wants and feelings, (4) reversing perspectives in order to view the conflict from both sides, (5) generating at least three optional agreements that maximize joint outcomes, and (6) agreeing on the wisest course of action to implement their decisions.

Students are then taught a four-step mediation procedure consisting of (1) ending hostilities (breaking up the dispute and cooling down the disputants), (2) ensuring disputants are committed to mediation (introducing the mediation procedure and setting the ground rules), (3) helping disputants negotiate with each other in ways that solve the problem (using the six-step negotiation procedure), and (4) formalizing the agreement (having disputants sign and agree to abide by their final decision). The program is constructed so that all students receive 30 minutes of training per day for about 30 days and then receive 30 minutes of training about twice a week for the rest of the school year.

Peacemaker Program—Initial

Each day the teacher selects two class members to serve as official mediators. Any conflicts students cannot resolve themselves are referred to the class mediators. The mediators wear official T-shirts, patrol the playground and lunchroom, and are available to mediate any conflicts that occur in the classroom or school. The role of class mediator is rotated throughout the class so that all students serve as class mediator an equal amount of time. If peer mediation fails, the teacher mediates the conflict. If teacher mediation fails, the teacher arbitrates by deciding who is right and who is wrong. If that fails, the principal mediates the conflict; and if that fails, the principal arbitrates.

Negotiation and Mediation—Enhanced

Learning how to constructively manage controversy takes at least one lifetime. The Peacemaker Program is designed to give students a leg up in this procedure by allowing them to experience a 12-year spiral in which they receive the training every year from first through twelfth grades. Each year the training gets more complex.

Peacemaker Program—Enhanced

Engaging in intellectual conflicts maximizes student motivation to learn, academic achievement, creative thinking, and higher-level reasoning. The frequent use of classroom controversies allows students to practice their conflict skills daily while pursuing unrelated studies.

In the Peacemaker Program, the emphasis is on teaching every student how to negotiate and mediate. All students, no matter how different their background or culture, need to be (a) co-oriented as to the procedures used to resolve interpersonal and intergroup conflicts in the school and (b) skilled in their use. The responsibility for peer mediation is rotated throughout the entire student body so that every student gains experience as a mediator. In addition, the norms, values, and culture of the school must promote and support the use of negotiation and mediation procedures. What results is a schoolwide discipline program

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focused on empowering students to regulate and control their own and their classmates' actions. With successful results, teachers and administrators will be freed to spend more of their energies on instruction.

The Peacemaker Program has been implemented in schools throughout North America and in several countries in Europe, the Middle East, Africa, Asia, and Central and South America. We have conducted 11 research studies examining its effectiveness. Students not only learn how to negotiate and mediate, but they transfer what they learn to nonclassroom situations in the school and to nonschool situations (such as the home), and they maintain their use of the procedures long after the training has ended.

Objectives

As a result of this lesson, students will

- Understand the nature of negotiations and mediation
- Understand the steps for engaging in "problem-solving" negotiations
- Understand the necessity to use the problem-solving negotiation procedure in ongoing, long-term relationships, such as those within a school setting
- Increase their skills in using the steps of the problem-solving negotiation procedure

Target Group: Elementary, secondary, and post-secondary students
Time Needed: Minimum of 2 class periods
Materials Needed: Student Handouts 1 and 2
Resource Persons: Faculty members

Procedures

1. Randomly assign students to groups of four. One way to do so is to divide the number of students in the class by four and have them count off by that number (for example, if there are 28 students in your class, randomly assign them to groups of four by having them count off from one to seven).
2. Ask each group to identify at least three conflicts that have occurred in the room or school and involve two persons (Disputant 1 and Disputant 2). Examples of situations that could result in conflict between students are
a. A friend is told something in confidence. The next day several classmates comment on this supposedly confidential information. How is the friendship to be saved without trust? Have students role-play the exchange.
b. A classmate borrows a book. When returned, it is muddy and the cover is torn. Complaints are laughed off with a "who cares" attitude. Is it worth the trouble to argue about the cost of the book? Is this a friend who "cares" about friendship? Can the relationship be saved by ignoring a soggy book? Role-play the exchange.
c. A classmate continually pokes another student. Resentment results, but the classmate pretends it is all a joke. A significant irritation or a harmless prank? Have students role-play to find their own answer.
3. Divide each group of four into pairs. The pairs read and discuss Handouts 1 and 2 until both members understand the nature of negotiation and the six steps of problem-solving (integrative) negotiation.
4. One pair is assigned the role of Disputant 1 and the other pair is assigned the role of Disputant 2. The pairs prepare each other for the role-playing situation by
a. talking about the nature of the conflict and the character they are to role-play to help them to "get in role,"
b. writing a description of what the disputant wants,
c. writing a description of how the disputant feels,
d. writing a description of the reasons why the disputant wants what he or she wants and feels, and
e. preparing each other to engage in the steps of the negotiation procedure.
5. One member of each pair changes chairs so that a Disputant 1 is seated with a Disputant 2.
6. The participants role-play by resolving the conflict using the six steps.
7. Pairs share their agreements with the class as a whole.
8. The procedure is repeated for the second conflict.
9. The procedure is repeated for the third conflict (and so on, depending on the number of conflicts and teams of four that participate in the project).

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Look for Our Elections Edition!

The fall 1996 edition of *Update on Law-Related Education* will be dedicated to the upcoming national and state elections—what's new, what's old, and what's remarkable! This special issue, done in collaboration with the ABA Standing Committee on Election Law, has an impressive array of contributors, including the Hon. Lee Ann Elliott, chair of the Federal Election Commission. Fun (and learning) for your students includes a cyberspace voting activity. Scheduled for delivery in early September.

Student Handout 1

What Is Negotiation?

It takes at least two people to create a conflict, and a minimum of two to resolve it. The best way to resolve conflicts is by negotiating. *Negotiation* is a process by which persons who have shared and opposing interests and want to come to an agreement try to work out a settlement. You may not be aware of it, but you negotiate all the time. When you and another person have different goals, and you need the other person's cooperation to reach your goals, and he or she needs your cooperation to reach his or her goals, the two of you have to negotiate.

Most conflicts involve issues that are negotiable (that can be discussed and arranged), but some do not. When the issue involves something unsafe, illegal, inappropriate, or against your values, you say to the other person, *"This issue is nonnegotiable!"*

There are two types of negotiations: "win-lose" and "problem-solving." In any negotiation, you have a fundamental choice. You can go for a win, or you can try to solve the problem. Both types of negotiations are appropriate in certain circumstances. You go for a win (maximize your outcome at the expense of another) when you are in a short-term relationship, such as when you are buying a used car. You try to solve the problem when you are in a long-term relationship (with family members, fellow students, neighbors, colleagues, or friends) that means more to you than winning a concession. In problem-solving negotiations, the goal is to discover a solution that will benefit everyone involved (maximize joint outcomes). You do so to balance two concerns:

1. Maximize joint outcomes by reaching an agreement that is advantageous to everyone involved (ensure that all participants benefit).

2. Improve the relationship and your ability to work together effectively.

   In a long-term relationship, you are concerned about the other person's wants, needs, and goals. Protecting the person's interests and ensuring his or her well-being become part of your priorities. Maintaining a high-quality relationship, therefore, is usually more important than getting your way on any one issue. How you act today may haunt the relationship tomorrow.

Student Handout 2

Solving the Problem

Conflicts end when an agreement is reached. The purpose of negotiating is to find a fair solution to a problem. Negotiating to solve the problem may be attained by examining the following issues of contention:

1. You both have wants. You have a perfect right to express them. For the conflict to be resolved constructively, both of you must honestly state what you want.

2. You both have feelings. They must be expressed in order for the conflict to be resolved constructively. Keeping frustration, anger, hurt, fear, or sadness inside only makes the conflict more difficult to resolve.

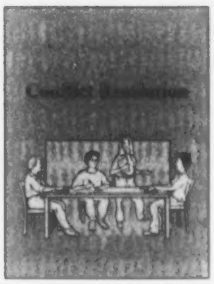
3. You both have reasons for wanting what you want and feeling like you do. Ask for each other's reasons and make sure you see the conflict from both points of view.

4. You both have your perspective or point of view. In order to resolve the conflict constructively, you must see the conflict from both perspectives.

5. You both need to generate several alternative wise agreements that maximize the benefits to both of you. Wise agreements make both persons happy.

6. You both need to select the agreement that seems best and seal it with a handshake. Never agree on a solution that leaves one person happy and one person unhappy.

AND REMEMBER: You must work together to solve any disputes. Solve conflicts as friends, not enemies.



Youth-Focused Conflict Resolution and the Mission of Education

There are valid, even compelling, reasons why every school should teach problem-solving techniques to students.

Donna Crawford

Update on Law-Related Education, 20.2, 1996, pp. 14–16. © 1996 American Bar Association.

Three hopes that are shared by almost all American educators are for safe schools, social justice, and cooperative learning environments. Law-related education, viewed in the broadest sense, is designed to promote these three elements of mission. But it will not be an easy task. The challenges schools face, more often than is acceptable, are difficult to meet. Consider, for example, what is needed to create an ideal setting for learning:

- an environment in which each learner feels physically and psychologically free from threats and danger, and each learner finds opportunities to work and learn with others for the mutual achievement of all.
- an environment for respecting, enhancing, and celebrating the diversity of school populations where there is equal access and opportunity to each learner, free from discrimination based on race, ethnicity, culture, gender, sexual orientation, physical and mental abilities, or social class.

These are the core elements of the educational system, and conflict resolution education is responding to the challenges that must be met in order to better educate students. A knowledge of the means for dealing with conflicts, both for individuals and collectively, offers a significant promise that schools can build the capacity to achieve their mission. Conflict resolution education addresses both the issue of individual behavior (to reduce violence and promote responsible citizenship) and the systemic change necessary to create an atmosphere to ensure that students have an opportunity to understand and learn what is expected of them.

While the relationship between law-related education and individuals is clear, not so obvious is the collateral requirement that institutional philosophies must be adaptable to new patterns of thought. If students, beyond isolated individual cases, are going to change their ways, the school system itself must be reconceptualized ("re-engineered" in corporate terms). The institutional changes will support behavioral improvements and allow conflict-educated youth to practice their newfound skills in the place where they spend a significant amount of time—their schools. If improved behavior patterns are consistently utilized in school, they may become internalized and prevalent in other situations—present and future.

Ready for a Change?

Most law-related education professionals contend that, for conflict resolution programs to work, school systems need to be reformed so as to provide for the development and sustenance of new attitudes. This, at the very least, calls for cooperation, both behaviorally and academically, and for adults to defer to student mediators when disputes arise.

Conflict resolution programs that provide long-term changes in attitudes are effective alternatives to traditional discipline programs. They may be able to do so primarily because they are voluntary, and participants are expected to alter their behavior patterns and become more cooperative as a result (Bodine and Crawford 1996).

> *"The significant problems we face cannot be solved at the same level of thinking we were at when we created them."*
> *Albert Einstein*

Diversity Issues

Many conflicts in schools are about diversity issues: conflicts based on differences in national origin and/or ethnicity or related to gender, sexual orientation, social class, or physical/mental abilities. Personal and institutional reactions to diversity often take the form of prejudice, discrimination, harassment, and hate crimes. Diversity conflicts are complex, not only because they are rooted in prejudice stemming from cultural differences, but also because they may be created by envy as a result of differing social

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standing. Conflict resolution programs are arenas where students may challenge prejudices; they promote respect and acceptance through new ways of communicating and understanding.

In the same vein, schools must commit themselves to foster a learning climate that promises to foster equity and social justice. Conflict resolution education fills that commitment. In considering the adoption of a conflict resolution program, school officials should ask the following questions:

- Does the school possess the skills and knowledge to successfully nurture an environment in which diversity thrives?
- Is there a willingness to accept the inevitable conflict that arises from differing values and cultures?
- Is there an understanding that conflict is an opportunity for growth, self-awareness, and development of understanding and respect for others?
- Is there an articulated vision that conflict can enrich and strengthen the school community? (Townley 1994, p. 5)

One short-term goal of educational institutions must be to move students from simply recognizing that they live in a multicultural, often violent society to feeling that they can contribute and live peacefully in their diverse communities. Looking ahead, educators must challenge young people to believe and act on the understanding that a nonviolent, pluralistic society is a realistic goal (Moore and Batiste 1994, p. 18).

Enhancing the Learning Environment

Providing an environment conducive to learning means increasing levels of respect, trust, cohesiveness, and morale; affording students and school officials opportunities for input; and providing for continuous academic and social growth. Conflict resolution, when used not only as a curriculum to be taught but as a lifestyle, will contribute to most, if not all, of these qualities. When conflict resolution practices are applied, respect, caring, tolerance, and community building become "the way we do things around here" (Adler 1995, p. 5). Creating an environment where controversies enhance learning and where self-discipline and self-responsibility prevail is a primary objective of conflict resolution education programs.

Cooperative, collaborative problem solving is the essence of conflict resolution. The processes of conflict resolution (negotiation, mediation, and consensus decision making) are workable dispute-resolution models that provide potential nonviolent and nonadversarial alternatives to the jurisprudence process of our legal system or to our school problem-solving and discipline processes.

Responsible Citizenship

The ability to resolve conflicts is central to the peaceful manifestation of human rights. Conflict resolution can be viewed as a responsibility inherent in citizenship in a democratic society. When persons are able to peacefully express their concerns and seek resolutions to problems that take into account common interests, they not only promote the values of human dignity and self-esteem, they also advance democracy (Adler 1995).

Schools, hopefully, are places where children learn to live in civil association with one another and get ready to assume their future roles as responsible citizens of a democracy: as parents, as community members and leaders, and as productive members of the workforce. Conflict resolution skills are needed to cope with problems that may arise at any time. This does not simply refer to the need for complex problem-solving processes but suggests that the ability to solve larger issues depends, at least to some extent, on how people regularly deal with each other. Building effective relationships among citizens is important not just for "reaching agreements," but for how people may choose to disagree (Amsler 1994).

Violence Prevention and Safe Schools

Processes that empower students to deal constructively with interpersonal conflicts, cultural differences, and the violence embedded in the American culture need to be grounded in the day-to-day school experience. Conflict resolution education provides youth with the understandings, skills, and strategies needed to choose alternatives to self-destructive, violent behavior when confronting interpersonal and intergroup conflict.

The fundamental challenge here is for schools to teach students the skills and processes that will allow them to manage and resolve conflicts. When students are successful with these procedures in school, they are more likely to use them in other environments.

The goal of making the school a safe haven in which youth can gain respite from violence in order to think and learn is a good one, but it cannot be created in a vacuum. Changes are needed in what and how teachers teach, and how principals administer school rules. Everyone in a building or on campus should be instilled with a commitment to the creation of a nonviolent vision.

Conflict resolution offers individuals a means of addressing the far more pervasive issues of psychological violence. The problem-solving strategies of conflict resolution are better suited for allowing individuals to confront issues of psychological trespass than physical trespass. The expectation is that by constructively addressing the issues before physical engagement, the incidence and intensity of physical engagement will diminish (Haberman and Schreiber Dill 1995, p. 149).

Why a Conflict Resolution Program?

There are valid reasons for every school to teach the problem-solving strategies for conflict resolution.

1. Using the conflict resolution processes of group problem solving, negotiation, and mediation to resolve school-based disputes can improve students' attitudes.
2. Conflict resolution strategies can result in reduced violence, vandalism, chronic school absence, and suspension.
3. Conflict resolution training helps students and teachers deepen their understanding of themselves and others.
4. Conflict resolution training provides the recipient with important life skills.
5. Training in group problem solving, negotiation, and mediation encourages high-level citizenship activity.
6. Shifting the responsibility for solving some school conflicts to students frees teachers to concentrate more on educating and less on discipline.
7. Behavior-management systems that are more effective than detention, suspension, or expulsion are needed to deal with conflict in the school setting.
8. Conflict resolution training increases skills in listening, critical thinking, and problem solving—skills basic to all learning.
9. Conflict resolution education emphasizes seeing other points of view and peacefully resolving differences—skills that assist a person living in a multicultural world.
10. Negotiation and mediation are tools that are well suited to the problems that young people face, and those trained in these approaches often use them to solve problems for which they would not seek adult help (Davis and Porter 1985, pp. 121–139).

Education can and should be turned into a force for reducing intergroup conflict. It can serve to enlarge our social identifications in light of common characteristics and communal goals. It can establish a basis for fundamental human identification across a diversity of cultures in the face of conflict. The question is whether people can learn more constructive orientations toward those outside their group while maintaining the values of group allegiance and identity. It seems reasonable to believe that, in spite of some very bad habits from the past and some very bad models of the present, new habits can be learned. "It is not too late for a paradigm shift in our outlook toward human conflict. Perhaps it is something like learning that the earth is not flat. Such a shift in child development and education ... might at long last make it possible for human groups to learn to live together in peace and mutual benefit" (Hamburg 1994, p. 15).

We have the power to decide what vision we wish for the future. Conflict resolution education and law-related education both support equipping individuals to be peacemakers. Peace is made moment by moment, day by day, by each of us. Peace will be realized only when a critical mass practices peacemaking—honoring self, others, and the environment (Bodine, Crawford, and Schrumpf 1994). These are the behaviors that allow individuals to live in civil association—responsible global citizenship. Where will youth learn these behaviors if not in our schools?

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Teaching Strategy

"Meet or Eat?" Competition vs. Collaboration

Jared R. Curhan

Update on Law-Related Education, 20.2, 1996, pp. 17–21. American Bar Association.

Background

Negotiation is any form of communication aimed at achieving a goal. Thus, almost any interpersonal encounter involves negotiation.

Game theorists study negotiation and decision making by analyzing games and their relationships to real-life situations. This lesson presents a card game called "Meet or Eat?" based on what game theorists refer to as a Prisoner's Dilemma. "Meet or Eat?" presents students with a choice between collaboration and self-serving defection, bringing to bear issues of competition versus collaboration, working relationships, and trust. In this two-person game, if both players resist the temptation to violate trust, they score higher in the long run. Players who violate trust damage relationships and learn how costly the long-term consequences of doing so can be.

In negotiation, clear communication is essential. In "Meet or Eat?" the only type of communication permitted is nonverbal. Students will quickly learn that reduced communication can cause serious problems.

This lesson is intended to show students why, even if your goal is to be totally out for yourself, you will almost always be better off if you understand and address the concerns of those around you.

Jared R. Curhan is founder and executive director of the Program for Young Negotiators, a national nonprofit program dedicated to making adult negotiation concepts applicable to and enjoyable for young people. *Adapted from the* Program for Young Negotiators Teachers Manual *(Cambridge, Massachusetts © 1996). Special thanks to Sara Trenary for assisting in the development of the "Meet or Eat?" game. Illustrations by Deborah Katzenellenbogen.*

Objectives

As a result of this lesson, students will

- Realize the power of collaboration—even if it arises from a purely self-centered perspective
- Learn, by experience, how challenging it can be to build and sustain a working relationship
- Understand the delicate but valuable properties of trust

Target Group: Grades 6–12
Time Needed: 2–3 class periods
Materials Needed: Student Handouts 1–4

Procedures

1. Pair all students and seat them facing their partners.
2. Distribute Handouts 1, 2, and 3 to students. Have them cut out the two cards (a Rabbit Card and a Cobra Card) on Handout 1.
3. Explain the rules of the game.
a. The object of the game is to *win as many points as you can.* Here, the word *you* is intended to be singular—*not* referring to the sum of the two players' scores.
b. In each round, players have a chance to win points by choosing which of their two cards to play for that round. After each round, players are instructed to look up their scores on the Scoring Key (Handout 2), record their scores on the Score Sheet (Handout 3), and then pick up their cards again to prepare for the next round.
c. Between rounds, players should hold their cards up close so that others may not see them.
d. The game lasts ten rounds and there is NO TALKING allowed whatsoever—anyone who speaks during the game is to be disqualified.
4. Teach students how the Scoring Key works. Point to the visual combinations on the Scoring Key as you describe the scoring logic to the class:
a. If TWO RABBITS are played, the rabbits meet and "hang out" together, so players get 2 points each.
b. If A COBRA AND A RABBIT are played, the cobra eats the rabbit, so the person who played the cobra gets 3 points and the person who played the rabbit gets zero points.
c. If TWO COBRAS are played, the cobras attack each other, so players get 1 point each.
5. You may want to play 1 or 2 practice rounds and explain what happens.
6. Let the games begin! After ten minutes, or alternatively when all pairs have completed ten rounds, instruct students to total their personal scores.
7. Have each student report his or her results. As students call out their

scores, write their point totals on the board. List the results of each pair of students by writing the two scores side by side (e.g., 16/19). Note that possible individual scores range from 0–30. Games in which only rabbits are played by both players end in a final score of 20/20.

8. Survey your higher- and lower-scoring students to determine the nature of their games. Results will almost always demonstrate that those players who managed to maintain a long series of rabbit-rabbit meetings scored higher than those who repeatedly attempted surprise cobras.

9. Provided that both players fully understand the scoring implications of "Meet or Eat?" playing cobras should be beneficial for the cobra player in the short term, but dangerous for the long-term relationship between the players. For example, a series of rabbit-rabbit meetings followed by one player choosing a cobra could result in a breakdown of trust. Once trust is broken, it may take several rounds before angry cobra-cobra meetings can be replaced by amicable rabbit-rabbit meetings. These cobra-cobra rounds bring down both players' final scores. Furthermore, if a student develops a reputation for being a cobra player, anyone playing with that student in the future might defensively play cobras, again resulting in a low-scoring game for both players. A class discussion about long-term relationship issues may be helpful, depending upon the level of comprehension and sophistication of the students. If time permits, distribute Handout 4 and use the Strategy Questions as part of the class discussion.

10. Optional variation on the rules: Choose a particular point in the game to allow 1–2 minutes of talking between partners. Afterward, continue with the NO-TALKING rule as before. This brief period of communication allows students to negotiate terms for future play—although the degree to which these terms are followed may vary significantly!

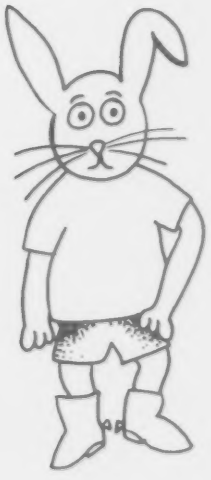
For additional reading on Prisoner's Dilemma Games, see Robert Axelrod's *The Evolution of Cooperation* (New York: Basic Books, 1984).

Student Handout 1

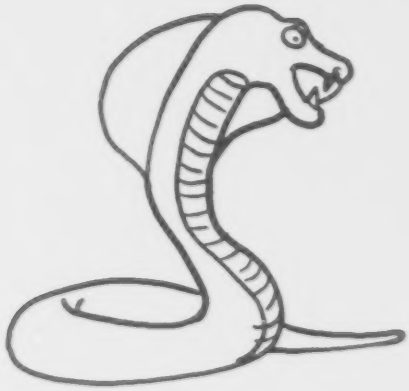
Game Cards

Cut out the cards.

Rabbit Card

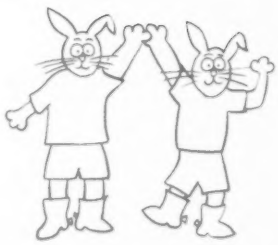
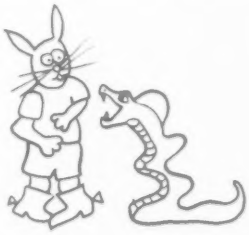
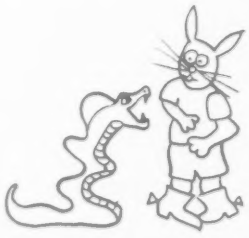


Cobra Card



Student Handout 2

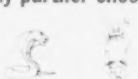
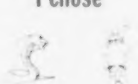
Meet or Eat? Scoring Key

If I choose	. . . and you choose		. . . then I GET	. . . and YOU GET
			2	2
			0	3
			3	0
			1	1

Student Handout 3

Meet or Eat? Score Sheet

My Name: _____ My Partner's Name: _____

ROUND 1	I chose	and	my partner chose	My score was
ROUND 2	I chose	and	my partner chose	My score was
ROUND 3	I chose	and	my partner chose	My score was
ROUND 4	I chose	and	my partner chose	My score was
ROUND 5	I chose	and	my partner chose	My score was
ROUND 6	I chose	and	my partner chose	My score was
ROUND 7	I chose	and	my partner chose 	My score was
ROUND 8	I chose	and	my partner chose	My score was
ROUND 9	I chose 	and	my partner chose	My score was
ROUND 10	I chose	and	my partner chose	My score was
			My Total Score Was	

Student Handout 4

Strategy Questions

Think about the following hypothetical situations:

What would you do next? Why?

[R = Rabbit; C = Cobra; ? = The move in question]

1. What should you do on your first move of the game?

You	?						
Your Partner							

2. How should you respond to surprise cobras?

You	**R**	**R**	**R**	?	?		
Your Partner	R	R	C				

3. How should you respond to repeated cobras?

You	**R**	**R**	**R**	**R**	?		
Your Partner	C	C	C	C			

4. What should you do on your last move of the game?

You	**R**	**R**	**R**	**R**	**R**	**R**	?	End of game.
Your Partner	R	R	R	R	R	R		

Multicultural Education: Another Look

Applying the principles of problem solving to the debate on traditional versus multicultural education

Pamela Moore

Update on Law-Related Education, 20.2, 1996, pp. 22–25. American Bar Association.

"What people often mean by getting rid of conflict is getting rid of diversity, and it is of the utmost importance that these should not be considered the same." This quotation from Mary Parker Follett (circa 1920s) is as meaningful today as it was over 70 years ago. U.S. citizens still struggle to bring Unum from a great deal of Pluribus. Wars, legislation, education, assimilation, and acculturation have all been used to further the quest for one common culture that can be called American. Indeed, the melting pot theory still represents a desired state for many people who believe that in order to have a common national identity, we must have the same cultural behaviors. But other folk are reluctant to give up the benefits they derive from their own cultural identity in exchange for something that may not acknowledge or incorporate their values, beliefs, or contributions to society. Experience has taught them that, by giving up the support and sense of belonging they receive from having their own cultural identity, they could end up on the outside looking in. They are tired of being left out of history books, of being seen in stereotypical ways, and of being treated as though they will never be successful in U.S. society.

There is a need to examine what people have in common and what makes them different. There is value in sharing similar goals, beliefs, communication styles, and behaviors. But differences can be catalysts for changes, creativity, and new ways of doing things. How and why we teach about similarities and differences, cultural groups, their history and contributions to society, is at the heart of the debate over multicultural education.

The conflicts over multicultural education, its intents and purposes are often framed in "I win/You lose" terms. "We can't teach everything." "If we have to teach about culture X, culture Y will want a course about their group." "Our forefathers made this country great. Will we have to leave them out in order to teach about all these other people?" These statements represent real fears and concerns that people have about inclusion and the sharing of educational resources that are often very scarce. Examined from an either/or perspective, there is little hope that this conflict could be resolved to everyone's satisfaction. But a problem-solving approach to this debate may uncover common ground and provide win-win possibilities for all. The first step in exploring this problem is to determine what the conflict is about.

What Is the Conflict?

The descriptions of multicultural education sometimes bring to mind the old story of the blind men and the elephant. Each blind man, while feeling a different part of the elephant, describes an animal that does not exist and yet is, in a limited way, real.

One description of multicultural education lists these eight elements: (1) basic education, (2) a process, (3) change, (4) liberating pedagogy, (5) for everyone, (6) consciously anti-racist, (7) pervasive, and (8) education for social justice (Nieto 1992).

Jaime S. Wurzel describes multicultural education as a "framework for formal education for developing in teachers and students both multicultural awareness and fundamental skills needed for living in a multicultural world" (Wurzel 1988). According to James Banks, it is an education for functioning effectively in a pluralistic, democratic society. Helping students develop the knowledge, skills, and attitudes needed to participate in reflective civic action is one of its major goals (Banks 1993).

Multicultural education encourages critical thinking, understanding, and dialogue, if—in its implementation—multiple viewpoints are acknowledged and respected. Teachers and students may use multicultural strategies to examine different perspectives related to history, equity, and justice, and the impact that these experiences have had

Pamela Moore is associate director of the Anti-Defamation League ***A World of Difference*** *Institute Research and Development Department, San Francisco.* *© 1996 Anti-Defamation League.*

on different groups of citizens. While many Americans might agree that the Constitution supports equal opportunities, justice for all, and equal treatment under the law, multicultural education challenges citizens to examine how these democratic ideals have been put into practice.

Educating teachers and students to effectively participate in a multicultural society that is inclusive and based on democratic principles would, for many, seem to be positive and useful. But multicultural education is not always seen as a pathway to constructive citizenship.

Dennis Prager, in his address, "The Evils of Multiculturalism: A Jewish Perspective," describes a very different multicultural education. He says that "multicultural education does not mean a celebration of many cultures. It is an onslaught against our shared culture, call it Judeo-Christian, call it Western." He views multiculturalism as the latest attempt to overthrow the fundamental moral ideas that support our society. He equates multiculturalism with multimorality. Instead of one moral authority or standard "undergirding our Western society," he fears a morality that is no longer based on right and wrong, but is cultural in context and therefore has the potential for embracing practices that have no basis in ethical monotheism. For Prager, one moral authority is the key to the survival of American society. His fears are similar to those of people who worry that we have lost ourselves in some "new-age," "feel-good," "everything-is-valid" philosophy that no longer recognizes right and wrong, responsible behavior, or authority (religious, parental, communal), which are the underpinnings of a civilized society (Prager 1992).

In "The Demonization of Multiculturalism," Richard Rorty describes multiculturalism as a "nuisance ... which began to go sour soon after it was invented." He says, "It started out as one more attempt to get white middle-class males to behave better toward the people they enjoy shoving around—black and brown people, women, poor people, recent immigrants, homosexuals. It hoped to encourage these groups to take pride in themselves rather than accept the derogatory descriptions that the white males invented for them" (Rorty 1995).

There is a growing fear among some people that the focus of ethnic and cultural group identity creates divisions between people, and the expression of cultural pride will lead to ethnocentrism, blaming, scapegoating, and segregation.

Linda Chavez encourages educators to "stick" to what unites. She says, "The more diverse we become, the more crucial it is that we commit ourselves to a shared, civic culture. It is important that all students—no matter where they come from—begin to think of themselves as Americans if we are to retain the sense that we are one people, not simply a conglomeration of different competing groups." Her argument for unity requires that people move beyond ethnic and race identities and allegiances and instead consider that "it is more important for immigrant children to learn English than maintain their native language although the two are not mutually exclusive. We should make sure that American students have a firm grasp on the history of this nation, the people who helped build it, and the institutions and principles on which it was founded" (Chavez 1993).

The question of who is featured in American history, whose principles are espoused, and which institutions (and power structures) will prevail is at the core of the debate over multicultural education. For many years, it was the norm to teach American values, history, and principles from a monocultural perspective. But is that effective teaching in a pluralistic society?

The disagreement between multiculturalists and Western traditionalists is described by Banks as being "rooted in their conflicting conceptions about the nature of knowledge and their divergent political and social interests." The position each side has taken reflects what that side values. Traditionalists seek to defend Western history, literature, and culture against those who would change the curriculum (feminists, multiculturalists, and ethnic groups). Multiculturalists believe that school curricula present a distorted picture of American history that marginalizes or excludes the experiences of women and people of color (Banks 1993).

The teaching of historical events, for example, should be neither one-dimensional nor distorted. The arrival of Columbus in 1492 is seen as the birth of the nation by some and the death of a flourishing society by others. Both viewpoints are meaningful in understanding American history. What is taught, who teaches it, and what is considered important reflect the values of those who select the curricula, mandate the teaching methodologies, and design the textbooks.

The conflict, therefore, is about resources, needs, and values.

Resolving the Conflict

Many conflict resolution programs are founded on interest-based problem solving, which encompasses an understanding of what the conflict is about, the motivation and need behind it, the perceptions and assumptions of the people involved, and the options available for mutual gain. One process, published as *Getting to Yes*, sets out four elements for problem solving:

1. Separate the people from the problem.
2. Focus on interests, not positions.
3. Invent options for mutual gain.
4. Use objective criteria (Fisher and Ury 1981).

If these principles could be applied to the dispute over multicultural education, could the conflict be resolved?

1. Separate the People from the Problem

When multiculturalists and traditionalists debate what should be

taught, the argument frequently hinges on what "knowledge" is and how valid it is. Scholarly standards are important, but standards can be value laden and how they are applied may either exclude or include critical information. "The knowledge that people create is heavily influenced by their interpretations of their experiences and their positions within particular social, economic, and political systems and structures of a society" (Banks 1993). Although some people would argue that history is "neutral, objective, and uninfluenced by human interest and values" (Banks 1993), others hold an opposing view. One has only to read the variously oriented—mainstream, alternative, cultural—press coverage of a contemporary event (which immediately becomes "history") to know that there can be biases in news reporting. People have an interest in having their views validated, their deeds described, and their concerns considered. Attempts to portray only one dominant cultural perspective as the right path serve only one set of needs. Frustration, anger, and disappointment over being left out are natural consequences when the experiences of other cultural groups are ignored.

There is also a complaint that there is only a finite amount of time in which to teach. Although this may be true in an academic setting, it represents a very limited view of education and opportunities for learning. If one "expands the pie," learning could bring about a partnership among educators, parents, and students—and extend beyond the school walls.

When the problem is defined in terms of people whose history is important while ignoring others and their history, the debate breaks down into accusations, rhetoric, and distrust. If, instead, the focus is on what history is and how it is taught so that it accurately represents what has occurred, then there is a possibility that educators may be able to use their strengths and abilities to cooperatively identify the parameters and standards for determining what will be taught.

2. Focus on Interests, Not Positions

When people take positions, they have already decided on a solution to a particular issue. An interest reflects what is desired and, if the need can be met, the problem may be resolved. In multicultural education, debates are often couched in positional terms. Statements like "We can't teach everything" are translated into "We can teach only some things." If that is true, and only some things can be taught, then it is only human to want to teach that which is considered valuable. If the decision about what is valuable is determined by only one group of people, then it is likely that the curricula will reflect the beliefs and understandings of that group.

But that scenario is different when "shared interest" is introduced. What do multiculturalists and Western traditionalists share as common, mutual concerns? They both want students to receive a good education. They want to help students develop skills that foster good citizenship. Promoting skills that encourage positive and peaceful intergroup relations that result in nonviolent and respectful relations would also be a part of a shared agenda.

If traditionalists and muliculturalists are able to agree on a common framework that incorporates their areas of interest, it is possible to develop a set of principles and guidelines by which to evaluate and design curricula. For example, instead of continuing to argue over what is to be excluded because there is not enough time for it, educators and other interested parties might decide to select a historical event, research the laws and mores of the time, and discuss how the event has had an impact on modern-day life—all within a framework that reflects upon the needs of both sides of the issue.

3. Invent Options for Mutual Gain

One of the reasons multiculturalists and Western traditionalists are frequently locked into a win-lose situation is because little time is spent working together to brainstorm potential reconciliations to their differences. The finger pointing, accusations, derision of each other's scholarship, and perceived distortions have prevented them from engaging in solution-oriented approaches. If a wide range of options was explored without the pressure to decide on any one "best way," both sides could broaden their perspectives. Understanding what is important and needed by each side allows the parties to move beyond their positions. Once this is accomplished, all could then begin to check their options against criteria designed to forestall an arbitrary decision (Fisher and Ury 1981).

4. Use Objective Criteria

In this phase, multiculturalists and traditionalists need to agree upon what objective, mutually satisfying criteria are essential to each side. Arriving at an agreement on objective criteria will not be useful unless shared needs are considered. They should also examine existing criteria to determine whether they contain biases and/or assumptions about what should be taught. Federal guidelines, state legislation, professional education standards, and community input are a few of the sources that may be tapped to develop unbiased criteria. Once a consensus is reached, guidelines, textbooks, syllabi, and the like could be checked against the agreed-upon standards to see whether they are mutually acceptable.

Conclusion

A comparison of James Banks's and Dennis Prager's definitions of multicultural education indicates, at first glance, opposing viewpoints: Multicultural education is (1) an education for functioning effectively in a pluralistic society (Banks 1993) or (2) an onslaught against our shared culture (Prager 1992).

An interest-based problem-solving approach to these conflicting statements would explore the "why" behind them. Why do these men feel

the way they do? What beliefs, concerns, or fears do they have about multicultural education? What do they see as the strengths and weaknesses of multicultural education? What assumptions influence their ideas? Is it possible to teach history, for example, from both a traditionalist and a multiculturalist perspective? What will happen if educators continue to focus on only what unites us while ignoring what divides us?

We know that exposing children to "cultural influences which help build positive ethnic identity and a sense of belonging to a group with shared traditions and values may help buffer a child" against risk factors associated with violence (APA 1993). Would Western traditionalists be more willing to accept multiculturalist ideas if they foster safe schools?

Two last questions: How long can society afford to let the pendulum swing between these two oppositional groups? When will the debate over multicultural education be seen as an opportunity to create a cooperative approach to teaching good citizenship and promoting positive intergroup relations? Our educational focus should be directed toward finding ways to understand and respect each other.

The debate helps us understand the problem. Now, it's time to work on solutions.

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Teaching Strategy

Identifying Behaviors That Satisfy Basic Needs

Terrence Wheeler and Anita Whitely

Update on Law-Related Education, 20.2, 1996, pp. 26–28.
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Background

Conflict is a natural and inevitable part of living. Fortunately, conflict can yield positive results if handled properly. Effective conflict resolution requires an understanding of basic human psychological needs.

William Glasser, Ph.D., states in his book *Control Theory: A New Explanation of How We Control Our Lives* that the behavior of all individuals is the result of an attempt to meet one or more basic needs. It is important to recognize that, whether behavior is appropriate or inappropriate, it is an attempt to meet at least one need. Therefore, the potential for conflict exists when one individual engages in behavior that another individual deems to be negative or inappropriate.

The four psychological needs identified by Glasser are power, belonging, freedom, and fun. Glasser separates these psychological needs from the instinctual need to survive and reproduce because this need is usually satisfied by humans through involuntary behaviors (e.g., breathing, eating, digesting, sweating, etc.). Other educators have suggested adding a fifth psychological need—security.

Effective conflict resolution requires conflicts to be analyzed by identifying the negative behavior and the corresponding psychological needs) that the behavior is attempting to satisfy. Teaching individuals to analyze conflicts in this way helps them replace their inappropriate behaviors with appropriate behaviors that will satisfy the desired needs) and will not infringe upon the rights of others.

There are many appropriate and inappropriate behaviors that individuals can choose to meet their psychological needs of power, belonging, freedom, fun, and security. Many times individuals have not learned or considered other more appropriate behaviors.

In such situations, brainstorming a list of potential behaviors is important. Sometimes students may not be given an opportunity to satisfy their needs. In these situations, these students and/or their advocates must educate others and negotiate with them to create appropriate opportunities for the students to satisfy their psychological needs.

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Objectives

As a result of this lesson, students will

- Identify basic human psychological needs.
- Recognize that many appropriate and inappropriate behaviors are used to satisfy needs.
- Identify many appropriate behaviors they can choose to satisfy their basic needs.

Target Group: Middle school and secondary students
Time Needed: 1 class period
Materials Needed: Student Handout, Educator Answer Key

Procedures

1. Provide students with a brief introductory explanation about Glasser's assertion that all human behavior is an attempt to meet at least one basic human need. Identify and briefly discuss the five basic human psychological needs.
2. Distribute the handout to students and ask them to complete it in small groups.
3. After students have completed the handout, ask them to share their responses. Write their ideas on the chalkboard.
4. You may wish to distribute another copy of the handout to students and ask them to complete it a second time by focusing on ways that adults in their lives (parents, guardians, teachers, coaches, etc.) attempt to achieve their psychological needs. (NOTE: This variation may anger some adults or reveal information that may require referrals for counseling services.)
5. Discuss the various kinds of appropriate and inappropriate behaviors. Ask students to discuss the following kinds of questions:
   - Do you think that students and adults share the same definition of what are appropriate and what are inappropriate behaviors?
   - Why do you think some students engage in inappropriate behaviors?
   - Do inappropriate behaviors really meet an individual's needs—or in the long run, do the inappropriate behaviors reduce his or her ability to satisfy other needs in the future?
   - How can individuals be taught and encouraged to replace inappropriate behaviors with appropriate behaviors?

Student Handout

Getting Our Needs Met

Individuals have five basic psychological needs: power, belonging, freedom, fun, and security. It is important for individuals to identify their need(s) in a conflict because this will help them analyze their behavior and adopt a behavior that will end the conflict and satisfy their need(s). Conflicts between friends, family members, and students and teachers are often the result of individuals choosing to satisfy their needs in an inappropriate way.

In the first column, list some appropriate ways that students satisfy their basic needs. In the second column, list inappropriate ways that some students choose to meet the same needs.

Power: the need to feel important and be respected

Appropriate ways to achieve power:	*Inappropriate ways to achieve power:*

Belonging: the need to love, share, cooperate, and fit in with others

Appropriate ways to belong:	*Inappropriate ways to belong:*

Freedom: the need to make choices and decisions

Appropriate ways to exercise freedom:	*Inappropriate ways to exercise freedom:*

Fun: the need to laugh, play, and find joy in life

Appropriate ways to have fun:	*Inappropriate ways to have fun:*

Security: the need to feel safe from put downs, ridicule, and physical abuse

Appropriate ways to feel secure:	*Inappropriate ways to feel secure:*

Educator Answer Key

The following is a short list of appropriate and inappropriate behaviors that individuals may exhibit to meet their psychological needs.

Power: feeling important, being respected

Appropriate behaviors:
- being a cooperative leader and positive role model
- being an effective problem solver
- complimenting others and being positive
- being friendly and including others
- show respect to all individuals and their cultures

Inappropriate behaviors:
- bullying
- hitting
- putting others down, name-calling, and teasing
- excluding others
- discriminating and being prejudiced

Belonging: loving, sharing, cooperating, fitting in with others

Appropriate behaviors:
- participating in athletics
- participating in academic or civic clubs
- becoming a team leader or active team member
- being a thoughtful, supportive friend
- celebrating days that are special to your friends
- appreciating differences
- sharing interests and hobbies (computers, videos, skateboarding, music, etc.)

Inappropriate behaviors:
- joining gangs
- overspending on clothes, activities, gifts, etc.
- bullying others
- skipping school or defacing ("tagging") property
- having sex and using alcohol and other drugs
- excluding others by name-calling, avoiding, etc.
- stealing clothes or other "in" items to be "cool"

Freedom: being able to make choices

Appropriate behaviors:
- deciding how to allot time for family, friends, studying, and other interests
- choosing elective classes that interest you
- standing up for what you believe is right, even if others disagree with you
- choosing a part-time job or an extracurricular activity
- responsibly choosing what to wear or what to eat
- deciding to watch or attend age-appropriate movies, videos, or concerts

Inappropriate behaviors:
- frequently giving in to peer pressure and doing things you really don't want to
- skipping classes you don't like
- excluding or abusing other individuals or groups based on prejudice
- deciding not to study
- using alcohol and other drugs or having sex
- violating curfew or other family or school rules

Fun: laughing, playing, finding joy in life

Appropriate behaviors:
- participating in athletics
- playing music
- reading books, comic books, magazines, or newspapers from other cities
- going to the mall
- watching movies or videos
- participating in family activities

Inappropriate behaviors:
- using alcohol and other drugs
- having sex
- physically or verbally abusing other individuals or groups based on prejudice
- damaging property

Security: feeling safe from put downs, ridicule, physical abuse

Appropriate behaviors:
- communicating effectively
- using conflict resolution skills
- talking to a trusted adult
- talking openly with friends
- developing an action plan to improve social skills
- participating in development of classroom or school safety rules (as appropriate)

Inappropriate behaviors:
- bullying or hitting others
- using put downs for others
- isolating yourself physically or emotionally
- masking feelings
- using alcohol and other drugs
- skipping or dropping out of school

Children and the Courts

More and more children are being brought into courts, some of which are coping with the situation better than others.

Resa L. Harris

Update on Law-Related Education, 20.2, 1996, pp. 29–31. © 1996 American Bar Association

Children are facing an existence that is more and more conflict-ridden. Extraordinary events of the past are now normal. There are no simple solutions to children's problems, and multifaceted responses are needed. One response that has proved to be extremely effective and exciting is the teaching and implementation of conflict resolution techniques. The American Bar Association's Section of Dispute Resolution has a 10-year commitment to encouraging the implementation of conflict resolution programs in schools to help reduce the number of minor disputes that may all too quickly escalate into more serious offenses.

Today, incredible numbers of children are being arrested on what used to be considered adult charges—murder, rape, serious assault, and armed robbery. Law enforcement agencies made an estimated 2.3 million arrests of persons under 18 in 1992—the highest figure in more than 25 years. Seventeen percent of all serious violent crimes in 1991 were committed by juveniles (OJJDP 1995). Between 1989 and 1990, the number of youths arrested for murder and manslaughter increased by 26 percent, arrests for robbery by 16 percent, and arrests for aggravated assault by 17 percent (OJJDP 1992). Between 1987 and 1992, the juvenile arrest rate for weapons-related crimes increased by a whopping 75 percent (OJJDP 1995).

In 1993, in my own state of North Carolina, the Governors Task Force on School Violence reported a *100* percent increase in arrests of persons under 15 between 1987 and 1990, and 18 percent of the people arrested during 1992 were under 18 (Bradley and Henderson 1994). The Office of Juvenile Justice and Delinquency Prevention recently stated that, "while juveniles may not be responsible for most violent crime, the growing level of violence by juveniles does not bode well for the future. If violent juvenile crime increases as it has for the past 10 years, by the year 2010 the number of juvenile arrests for violent crimes will more than double and the arrests for murder will increase nearly 150 percent" (OJJDP 1995). In addition, there is the cost factor, exemplified by the fact that, in 1987, in Washington, D.C., it cost nearly $60,000 to bring three youths to trial ($25,000 for the judicial process plus $34,000 for pretrial detainment).

Although the introduction of conflict resolution programs into the various aspects of the judicial system is obviously not the complete solution to the problem, it is vital to translate the successes of school conflict programs to the courts at every point where children touch the justice system. Whether children are in domestic court, juvenile correctional facilities, or elsewhere in the system, additional dispute resolution programs must be developed and current programs enhanced. Dispute resolution skills may help decrease the number of minor offenses that too readily become violent actions by giving young people a feeling of self-esteem and teaching them such life skills as communication and problem solving. These skills can be effective at reducing the number of children going through the justice system and becoming caught up in a web of continued offenses and serious crimes. Other dispute resolution processes may be used to reduce stress for children brought into the justice system by their caretakers' or parents' actions.

Children come through various doors when they enter the justice system. When parents separate and are going through divorce proceedings, children are often at the center of bitter conflicts over custody and visitation rights. The parents are likely to be embroiled in their own personal problems and either consciously or unconsciously involve children in a domestic tug-of-war, ignoring the best interests of the children. These kinds of conflicts create ongoing turmoil for children. Some situations escalate to the extent that parents abduct children when they are not granted custody.

In juvenile court, children may be brought in for delinquent acts or for status offenses (running away, truancy, chronic disobedience to caretakers). Many times the court has limited choices for handling these cases. The traditional juvenile court does not

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always provide adequate opportunities for proper and appropriate resolution of conflicts and problems. The conflicts often are with schoolmates, family members, neighbors, and teachers and may be founded on long-standing problems between individuals or within families. Other methods are needed to assist juveniles, victims, families, schools, neighbors, and others in resolving conflicts; particularly needed is dissemination of the skills necessary to avoid the irresponsible behavior that creates these problems.

Children also become subject to the court system when child welfare agencies intervene in family affairs in which there is abuse, neglect, or dependency. Children are removed from their homes and parents and placed in foster care. These processes can be long, drawn out, and heartrending for children and families. Government agencies become intensely involved in the families' affairs, but often the children and parents resent and resist court intervention even when they themselves initially sought help. The welfare agencies and the families need solutions to impasses reached while trying to return children to safe environments.

Dispute resolution techniques to address these concerns have been effectively employed in a number of jurisdictions. For example:

Youth Services Mediation is a program in Boulder, Colorado, that encourages the recruitment of teen mediators who co-mediate with adults. The cases are youth-related and include allegations of minor assaults, harassment, interpersonal disputes, gang matters, issues concerning drugs or alcohol, curfew violations, runaways, and vandalism. Parties may be parent/adolescent, victim/offender, teen/teacher, or parent/parent.

The *Community Board Program* in San Francisco, California, teaches communication and conflict resolution skills to youth in juvenile and correctional facilities. Valuable problem-solving know-how is put into practice by having youngsters help their peers resolve whatever difficulties have arisen within the institution. The program is designed to reduce the number and seriousness of conflicts and rule infractions and to reduce the staff time spent on discipline.

The *Violence Intervention Program* in New Mexico is aimed at helping young offenders and their families in ways that could reduce violence. It is operated by the New Mexico Center for Dispute Resolution and the Juvenile and Parole Department of the New Mexico Department of Children. Participants learn effective ways to deal with anger, increase their understanding of the relationship between drug use and behavior, and work to improve family interaction and communication (*Dispute Resolution News* 1993).

A *Civitas Law Center* has been created by the Loyola University Chicago School of Law to educate and train law students as specialized litigators and advocates on behalf of children. It integrates a traditional law curriculum with a specialized three-year course of study in the legal needs of children. One vital component of these studies is teaching law students how to represent children in mediation and other dispute resolution alternatives. Scholarships are provided (Greene 1993).

Child Find of America is an OJJDP project that provides mediation via an 800 number in parental abduction cases. The Justice Department estimates that approximately 350,000 family abductions occur each year. Child Find provides assistance only to parents who have court-granted custody. Members of the unit refer cases to local mediators so that agreements become part of the court documents. Since its founding, Child Find has managed to reunite over 2,400 parents with children who were abducted (*Child Find News* 1995).

Custody Mediation in Maine has proved to be a successful experiment in dealing with contested custody cases. In designing and implementing custody and visitation mediation programs, it is necessary to ensure fairness for all parties, especially the children—even when parental power is unbalanced. The National Center for State Courts reports that over 1,100 courts have created court-connected or court-referral programs (McEwen, Rogers, and Maiman 1995, p. 1323). The statewide system in Maine dates back to 1985 (Vermont Law School 1987, p. 51), and it is noteworthy that passage of the implementing law made mediation mandatory, replacing the child custody concept with that of parental rights and responsibilities. The resolution rate of mediated cases is 85 percent (ABA 1983). It is interesting to note that lawyers participate vigorously and regularly in mediated cases and that Maine does not regulate mediation as heavily as other states (McEwen, Rogers, and Maiman 1995, p. 1357).

Perhaps more important than any decrease in caseloads is that most Maine attorneys report that, as a result of mediation, "divorce practices had become less 'adversarial' and that Maine lawyers were significantly more willing to endorse reaching a settlement fair to both parties." In fact, even the volume of motions filed per divorce cases dropped by 20 percent following the introduction of mandatory mediation. One interpretation of these changes is that Maine lawyers "have learned in mediation to assist clients to achieve their goals in a more cooperative fashion" (McEwen, Rogers, and Maiman 1995, p. 1367). With parents and lawyers learning to resolve conflicts with mediation techniques, the process may be less traumatic for children.

Teen Courts are not unique to any one jurisdiction, but wherever they have been established, they do help reduce the number of youths going through the regular court system. They are comprised of student volunteers

who act as lawyers and jurors and usually deal with first-time perpetrators of minor crimes. The Palm Beach, Florida, County School District Youth Court during 1995 handled 4–5 cases a night, with a total of over 70 defendants between the ages of 10 and 16 going through the court. Sentences ranged from 8–100 hours of community service or resulted in agreements for restitution, an apology, or service on a teen court jury (Keating 1995, p. 100).

Where Do We Go From Here?

The folks who run the Ann Arbor, Michigan, School District-Wide Conflict Management Program have their fingers on the pulse of where schools, courts, and communities need to be heading. Their goal is to fully integrate conflict management into society, believing it is our obligation "to prepare children to be socially responsible citizens." They say that "children have a right to learn and work in an atmosphere that is positive, unbiased, and free from prejudice, discrimination, verbal and physical threats, and abuse. Responsibilities include an obligation to respect the property and privacy rights of others, to understand and appreciate other races and cultures, and to be responsible for their own actions and aware of the probable consequences of misconduct" (The Fourth R 1995).

To individuals in the dispute resolution field, it is like a dream come true to see so many conflict resolution programs involving children's issues. However, where children are concerned, the efforts to push the envelope out must remain. Members of the justice system and its various components must strive diligently to seek the often complex solutions to the problems faced by children and their families. Organizations and disciplines charged with the responsibility for helping children must work together to maximize the effectiveness of their efforts. It is vital that dispute resolution techniques be incorporated into all parts of children's lives, including family, community, school, and justice systems.

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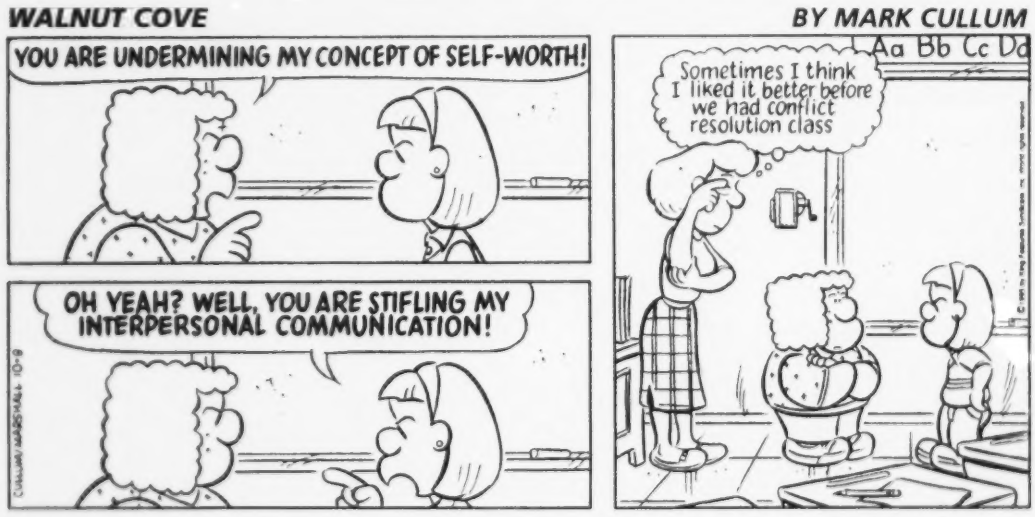
WALNUT COVE
BY MARK CULLUM
YOU ARE UNDERMINING MY CONCEPT OF SELF-WORTH!
OH YEAH? WELL, YOU ARE STIFLING MY INTERPERSONAL COMMUNICATION!
Aa Bb Cc Dd
Sometimes I think I liked it better before we had conflict resolution class

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Mediation Hawaiian Style

In the Hawaiian culture, mediation entails a far deeper understanding of conflict than is typical in mainstream America.

Manu Aluli Meyer and Albie Davis

Update on Law-Related Education, 20.2, 1996, pp. 32–33. © 1996 American Bar Association.

Mediation, broadly defined as an intervention between conflicting parties to promote reconciliation, settlement, or compromise, is construed in various ways in different cultures. Mainstream America views mediation as problem solving—taking two divergent outlooks, finding a common ground, and merging the different positions through mutual give-and-take.

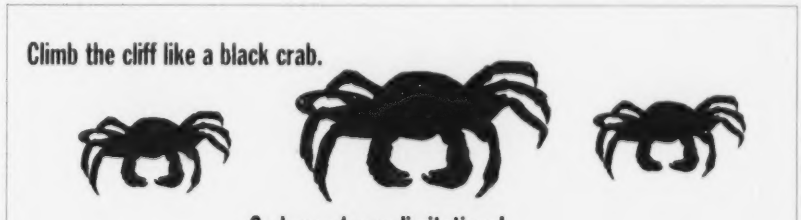
As an elemental example, a son might say of his mother: "She never listens to anything I have to say." And the mother might respond: "He never talks to me about anything." A mainstream mediator would level the playing field by pulling the two's thoughts together and concluding that the essence of the problem is simply a lack of communication. Both parties would thus be advised to listen more closely to what each other has to say and respond accordingly. Mediators in these instances try to take issues that come to them as negatives and repackage them into something that can be dealt with on an affirmative basis.

This would not be the case if the traditional Hawaiian approach to mediation were applied. Native Hawaiians would rely on *ho'oponopono*, which is based on the proverb *"Aloha mai no, aloha aku; o ka huhu ka mea e ola 'ole ai."* This means, "When love is given, love should be returned; anger is the thing that gives no life." *Ho'oponopono* is premised upon love (*aloha*), and its literal meaning is "setting to right" or "to make right."

The entire concept of Hawaiian mediation is based on harmony. Conflicts are perceived as disruptive and the cause of family imbalances. The resolution thereof is couched in clear terms that work toward returning to balance and harmony. Applying *ho'oponopono* means to "untangle the tangled rope (the conflict)," and "to straighten out the weave of the family fabric." In Hawaiian culture, the family is central and the internal relationships are the threads that bind it together during both harmony and conflict. Harmony is the link that binds a family together, while *ho'oponopono* is the clasp that keeps the links together. Conflicts are seen as holistic, so that if one member of the family is suffering, all members are asked to aid in the healing process. This may entail both physical and spiritual considerations, and thus problem solving is aided by placement in the family and community context.

Native mediators are known as *hakus*, or facilitators. Hakus have the responsibility for "untangling the rope" or, put another way, of "unpeeling the onion" in order to get to the heart of the conflict. In the example of the mother and son's failure to communicate, the *haku* would attempt to determine the root of the problem. Perhaps the son feels unloved for some deeper reason, and the percep-

Manu Aluli Meyer is a doctoral candidate at the Harvard Graduate School of Education and author of Ho'oponopono—To Set Right: A Hawaiian Peacemaking Process *(Cambridge, Mass.: Harvard Graduate School of Education, 1994). Albie Davis is director of mediation for the 69 Massachusetts District Courts and a volunteer with Urban Community Mediators (UCM) in Dorchester. Adapted from Manu Aluli Meyer and Albie Davis, "Talking Story: Mediation, Peacemaking, and Culture,"* Dispute Resolution Magazine *(fall 1994): 5–9, with permission of the authors. Illustrations by Lei Respicio, Hawaiian Leadership Development Program—University of Hawaii at Hilo.*



The a'ama crab lives in the splash zones of the ocean. This is where waves crash on rocks. The crabs must be smart when they move, how they move, and where they move. They are symbols of persistence and courage. Be like an a'ama crab and persevere so that you can break through your own self-defined limitations.

One can learn from many sources.

tion of inattention on the mother's part is merely an indication of more intense emotional stress. Unpeeling the onion, here, begins with the outer layer of communication and continues until the core is reached. It may be that the boy feels unloved because, for example, he was left on a curb when he was a child and no one ever understood how much it hurt him. By probing ever deeper into the memories of the mother and son, the *haku* could conclude that the true heart of the problem lay with the mother's nonrecognition of the boy's childhood fear. She would then accept that fact and understand her role in her son's pain, and there would be relief, forgiveness, and release. This is a long and sacred process!

The primary purpose of *ho'oponopono* is, therefore, to restore harmony, to return the balance. Contrast this to mainstream mediation, where the goal is settlement, reconciliation, or restitution, depending upon the circumstances involved.

Like the mediation process, *ho'oponopono* may involve "incubation," or "time out" periods to allow the parties to reflect upon what has been said. But sessions in the Hawaiian system are structured differently than those conducted by Western-trained mediators and may last for days on end—so breaks may be required more often. Time outs from *ho'oponopono* allow participants to rejuvenate, replenish, and strengthen themselves. Often there is no talking, and participants reflect upon their role in the sessions: Are they helping or contributing to the conflicts? It is also a time to relieve tensions. People may eat, swim, sit in solitude, or nap. In *ho'oponopono*, truth is considered to be the central factor in the healing process, and healing sometimes comes only through pain.

The whole procedure is a ritual steeped in rules and protocols. The end is reached when an "unbinding" occurs—the rope is untangled, the onion is peeled. According to one knowledgeable source, "Everyone senses this. There is a lightness in the room, the pain has been lifted, forgiveness has been granted." This happens only with much work and effort.

Hakus are selected based upon what is known about them by the general populace. They are chosen because their judgment is valued. In Hawaii, they are often selected because of their wisdom. *Hakus* have no single occupation; they could be fishers, accountants, even lawyers. It's the wisdom, the idea of judgment, that counts in their selection.

And they have not been unrecognized by the Hawaiian legal system. The local Native Hawaiian Bar Association is currently working on a demonstration program to employ *ho'oponopono* in some cases in lieu of the Family Court. The aim of the program is to train *hakus* who will then provide *ho'oponopono* services to people referred to them by the court. Native Hawaiians are working toward including a more appropriate system of "sacred justice" in the court system similar to Native American models. *Ho'oponopono* is this model in Hawaii. ♦

FEATURES OF VARIATIONS OF MEDIATION

QUALITY	IMCR/UCM (1)	SFCB (2)	VORP (3)	*Ho'oponopono*
Purpose	Settle with dignity	Express and understand	Restitution & reconciliation	Heal rift in family fabric
Who helps?	Neutral community member or team	Neutral community panel	Unknown neutral	Trusted family or community member
Number of facilitators/ mediators	Two	Three to five	One or two	One
Role of facilitator/ mediator	Nonjudgmental	Nonjudgmental	Nonjudgmental	Remind of family and cultural norms
Format/process & length	Joint & private sessions, 3 hrs.	All parties present all the time, 4 hrs.	Joint & private sessions, 4 hrs.	Start & stay together; time outs for food and rejuvenation, 3 hrs. to many days
Relation of parties to each other	Egalitarian	Egalitarian	Victim/Offender	Family & extended family
Interpretation of truth	Relative	Relative	Relative	Central

(1) Institute for Mediation & Conflict Resolution/Urban Community Mediators, (2) San Francisco Community Boards, (3) Victim-Offender Reconciliation Programs.

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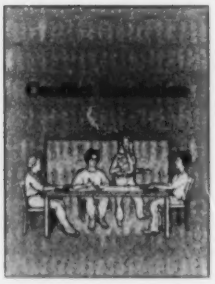

Take Me Out to the Ball Game

The 1994–95 baseball strike (World Series cancelled) was a prime example of conflict resolution that didn't work.

Shay Bilchik

Update on Law-Related Education, 20.2, 1996, pp. 34–37. © 1996 American Bar Association.

As a lifelong Cleveland Indians fan, a recent Florida Marlins fan, and now a Baltimore Orioles season ticket holder, I often wonder about the cancellation of the World Series in 1994 due to a baseball strike. How did the strike impact the overall sport? Which teams would have made it to the playoffs if the strike had been averted? Which two teams would have earned the right to match off in the best of seven games? Had the owners and players' representatives known and practiced the strategies of effective conflict resolution—negotiation, mediation, and consensus building—would the strike have been averted? Would any of those games—that would have provided carefree hours with family and friends eating hot dogs, cracking open bags of roasted peanuts, and cheering for the home team—have been played into extra innings and who would have won them?

What if all the baseball games in 1995 had been played, instead of 20 games being lost to the continuing strike? Would the 1995 World Series have turned out differently for the Cleveland Indians? As I write this article on conflict resolution and its place in our schools and communities, I cannot help but think about the baseball strike that ended without either party coming to an agreement. Was it limited resources, unmet needs, or a different set of values that kept the two parties from ending the strike with a win-win outcome? It seems that both parties established a position and neither side was able to get beyond that position to understand the other's viewpoint. In the end, the two parties withdrew from the bargaining table without ever resolving their differences—that's known as a "soft response" to a conflict.

On behalf of baseball fans everywhere, I would have liked to have seen a win-win outcome for each party to the strike. Such an outcome would have resulted when both parties' needs were met by listening and understanding each other's position, showing respect for that position, and reaching agreements through problem solving and negotiation. There will always be differences that have the potential for initiating another baseball strike, but we need to start practicing in every area of American life what we are asking our young people to do—resolve our conflicts peacefully with a win-win outcome for both parties. In order to help avoid another baseball strike, wouldn't it be a good idea to have conflict resolution education included as a component of spring training for the baseball owners, players, and their representatives?

The baseball strike was only one of many conflicts that regularly touch our lives, and a growing number of them are "resolved" with increasing levels of violence. This article emphasizes the need to address those conflicts through the use of conflict resolution programs in schools, youth-serving organizations, and community and juvenile justice settings. In that way, both adults and youth will have "a level playing field" where they can use the skills and strategies of conflict resolution to peacefully resolve disputes.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has been an advocate for the incorporation of conflict resolution programs into schools, youth-serving organizations, and community and juvenile justice settings. Our law-related education program incorporates conflict resolution education into its overarching strategy of civic education, and we are expanding our efforts in this area. This article presents an overview of the OJJDP conflict resolution-related programming that is currently being developed to help level the playing field for all parties to a dispute.

Even though the field of conflict resolution in education has grown dramatically, the number of schools without such programs far exceeds the number with them. It is our goal, through this initiative, to see conflict resolution programs become a permanent and continuous part of curriculum planning for students at all grade levels and to include their use in youth-serving organizations and in community and juvenile justice settings. OJJDP's Youth-Centered Conflict

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Resolution Initiative will include the following projects: (1) developing a guide to assist schools, youth-serving organizations, and community and juvenile justice groups in the selection and implementation of a conflict resolution program; (2) sponsoring a national satellite teleconference with experts discussing the building blocks of effective conflict resolution programs; and (3) holding four regional training workshops with technical assistance to help practitioners develop and implement conflict resolution programs that meet the unique needs of their target population.

1. Conflict Resolution Guide

OJJDP, in partnership with the Safe and Drug Free Schools Program at the Department of Education, is developing a comprehensive publication entitled *Conflict Resolution Education: A Guide to Implementing Programs in Schools, Youth-Serving Organizations, and Community and Juvenile Justice Settings*. The Guide, coauthored by Donna Crawford and Dick Bodine of the Illinois Institute for Dispute Resolution, will provide background information on current approaches and successful programs to individuals interested in developing or expanding conflict resolution programs.

The Guide is meant as a tool for schools, youth-serving organizations, and community and juvenile justice groups to increase their awareness of conflict resolution programs and to encourage them to include such programs in their strategic planning processes. To achieve this objective, the Guide will include the principles and foundation skills of conflict resolution, four effective approaches to conflict resolution with program examples, checklists, sample action plans, assessment questionnaires, consultation and training resources, annotated curriculum resources by approach, and a reading list. Through this extensive and thorough treatment of the subject, it is hoped that interested professionals will be equipped with the knowledge and tools to help them select and implement a conflict resolution program that addresses their particular needs.

Four Effective Conflict Resolution Approaches

Conflict resolution education addresses both the issue of individual behavior change desired for violence prevention and responsible citizenship and the issue of systemic change necessary for the realization of safe schools, social justice, and cooperative learning environments. The Guide will cover four different approaches to conflict resolution programs: (1) Process Curriculum Approach, (2) Peer Mediation Approach, (3) Peaceable Classroom Approach, and (4) Peaceable School Approach. The Guide will stress the need to bring conflict resolution into the home and community, and effective conflict resolution programs in these settings will also be described.

The Process Curriculum Approach teaches conflict resolution principles and processes through a time-limited course or daily lessons. Typically, time-limited courses include teaching negotiation or mediation over a semester or in a series of workshops in secondary schools. The Process Curriculum Approach is designed to help students better understand and resolve the conflicts they encounter in their lives at school, at home, and in the community. Most of the learning in the process curriculum takes place through the use of structured activities, such as simulations, role-playing, group discussions, and cooperative learning activities. Utilizing training received or employing user-friendly materials, or both, the teacher implements the program in short time-segments throughout the semester or school year. Although portions of the process curriculum could be integrated into a existing curriculum, prevailing practice includes it as a separate subject.

The Peer Mediation Approach provides students and adults with an opportunity to manage conflict and resolve disputes through the assistance of a neutral third party, who uses the reconciliation of both substantive issues and relationships. This approach provides mediation services to resolve conflicts between students, conflicts between students and adults, and conflicts between adults. Students trained as peer mediators help resolve conflicts between students involving jealousies, rumors, misunderstandings, bullying and fights, personal property disputes, and damaged friendships. In addition, students and adults may serve as co-mediators to resolve disputes between students and teachers that might involve personality clashes, respect and behavior issues, or other conflicts that diminish student-teacher relationships.

The Peaceable Classroom Approach is a holistic approach that includes integrating conflict resolution into the curriculum and into the daily management of the classroom. Curriculum integration primarily involves the principles of conflict resolution being woven by teachers into the core subject areas within their daily lesson plans. This approach uses the instructional methods of cooperative learning and academic controversy. In cooperative learning, students work in small groups with two responsibilities: to learn the assigned material and to ensure that all other group members also learn it. Academic controversy exists when one student's ideas, information, conclusions, theories, or opinions are incompatible with those of another and the two seek to reach an agreement. Academic controversies are resolved by engaging in deliberate discourse—discussing the advantages and disadvantages of proposed actions. Such discussion is aimed at creative problem solving and synthesizing novel solutions.

Typically, peaceable classrooms are initiated on a teacher-by-teacher basis into the classroom setting and are the building blocks of the peaceable school. Peaceable classrooms encourage learning activities and teachable moments that allow youth to recognize options in conflict situations and to choose those that are nonviolent, meet the needs of those involved, and improve relationships.

The Peaceable School Approach creates schools in which conflict resolution is integrated as a system for full school operation. This approach incorporates the three earlier listed approaches: process curriculum, peer mediation, and peaceable classroom. The goal of the Peaceable School Approach is to create a schoolwide discipline program focused on empowering students to regulate and control their own behavior. The program encourages and trains educators to model an orderly and productive learning environment through a cooperative and ongoing pursuit of prosocial behaviors. In the peaceable school, the classroom is the place where students gain the knowledge base and skills needed to resolve conflicts creatively. The classroom is also the place where the majority of the conflicts are addressed. The peaceable classroom is, therefore, the unit block of the peaceable school. Conflict resolution concepts and skills are learned and utilized by every member of the school community. Peaceable schools create a system in which diversity is valued and encouraged and in which peacemaking is the normative behavior of adults and students alike. Peaceable school programs infuse conflict resolution into the way the school conducts its business between students, between students and teachers/other school personnel, between teachers and administrators, and between parents and teachers/administrators.

Conflict Resolution in Juvenile Justice Settings

It is important to remember that conflict resolution programs should not be limited to traditional school settings. These programs are also vital for juvenile justice facilities and alternative schools to change the institutional handling of conflict from a punitive focus to one that uses problem-solving methods. In these settings, conflict resolution programs are introduced not to replace but to supplement existing disciplinary policies and procedures. With opportunity for positive expression and problem resolution, youth in juvenile justice facilities and alternative schools learn alternatives to violent and self-defeating behavior.

Conflict resolution programs for juvenile justice facilities and alternative schools serving delinquent and at-risk youth have similar issues to address. In both of these settings, the implementation of an effective conflict resolution program requires addressing the psychological and social development needs of the youth. Youth in these alternative placements lack the foundation skills of conflict resolution, especially those associated with orientation, perception, and emotional abilities. Many of them have a long-held sense of personal failure and view success in life as something beyond their ability to achieve. While conflict resolution programs are not personal therapy programs, choosing to offer education in conflict resolution provides a strategy to help address areas of deficiency.

Further, the more involved a youth is in self-destructive, antisocial, or violent behavior, the greater the need to provide practice in the strategies and principles of conflict resolution. Conflict resolution for us all requires much repetition of the strategies in order for those strategies to become the behaviors of choice in pressured, stressful situations. The greater the gap between the individual's current behavior and the desired behavior of conflict resolution, the greater the need for practice and coaching. However, the desired behavior must be reinforced beyond the school or juvenile justice setting in order for youth to successfully manage conflict in their lives. Both the home and community are natural environments to encounter conflict and practice conflict resolution strategies.

Parent and Community Linkages

School-based conflict resolution programs gain potency when they are linked with community and parent education programs that allow students to apply their skills in productive ways. Taking their learning back into the community and family settings is often the biggest challenge young people face with conflict resolution training, especially when others are not similarly trained. A link needs to be established between conflict resolution programs in the schools and parent and community programs that reinforces the same principles and strategies in order to give our youth a consistent message on resolving conflicts peacefully.

A number of youth-centered conflict resolution programs across the nation have either originated in the community and moved into the school or originated in the school and moved into the community. Both community-to-school and school-to-community programs make critical linkages that enhance the quality of life in the home, school, and community. Programs of this type build on and complement both the school and community conflict resolution programs, providing a common conflict resolution vocabulary in school and the community. The focus of many parent and community conflict resolution education programs is to provide youth with conflict resolution training through youth clubs, churches, court referral services, and other youth-serving organizations, as well as reinforce the training received in the schools.

2. Satellite Teleconference

In May 1996, OJJDP's grantee, Eastern Kentucky University, will broadcast a satellite teleconference that will combine theoretical knowledge with practical experiences of experts in the conflict resolution field to assist educators, youth-serving personnel, and community center and juvenile justice staff in building effective conflict resolution programs. An information package on the conflict resolution satellite teleconference will be disseminated to all attendees at registered viewing sites and can be ordered from OJJDP's Juvenile Justice Clearinghouse.

3. Four Regional Training Workshops

To assist schools, youth-serving organizations, community and juvenile justice groups nationwide in implementing conflict resolution programming, the Illinois Institute for Dispute Resolution (IIDR) will provide training and technical assistance based on the Guide *(see 1. Conflict Resolution Guide above)*. In the first year, IIDR, working with a number of conflict resolution and educational organizations, will hold four three-day regional workshops to train 400 to 600 participants, including community and school teams with youth members. The workshops will provide information on the steps necessary to develop or expand a conflict resolution program, including important factors for successful implementation. The workshops will promote teaming and provide many opportunities for team problem solving to increase the ability of participants being prepared to implement a conflict resolution program. These regional training workshops will be held from September through December 1996.

In succeeding years, the project will focus on offering a variety of training, technical assistance, and distance learning strategies to increase the ability of schools, youth-serving organizations, and community and juvenile justice groups to provide conflict resolution programming for their youth and staff.

Conclusion

As I began this article, I had a lot of questions that I shared with you. In closing, my answers to those questions have brought a wonderful vision to mind, not of the Cleveland Indians winning the World Series trophy in 1995 on a grand slam home run, but rather of youth and adults who regularly practice conflict resolution and make it around the "bases" of negotiation and consensus building with steady hits and a "home run" every so often. Like professional baseball players, conflict resolvers step into the batter's box with determination and confidence; they believe that the conflict resolution skills and strategies they have practiced will bring them to "home plate" with a win-win outcome.

I am proud of the role OJJDP is playing to expand the use of conflict resolution programs for youth and adults. We hope that through our efforts more of these programs will be developed and enhanced in schools, youth-serving organizations, and community and juvenile justice settings. We recognize that there are a variety of model programs and materials focusing on conflict resolution presently available. Our soon-to-be-released publication, *Conflict Resolution Education: A Guide to Implementing Programs in Schools, Youth-Serving Organizations, and Community and Juvenile Justice Settings*, was designed with this recognition in mind. Through this important initiative, OJJDP provides valuable information on the need for each member of our society—no matter his or her age, sex, occupation, or ethnic background—to become an active participant in the promotion and practice of peacefully resolving disputes. The Baseball Hall of Fame, which is in Cooperstown, New York, honors the great baseball players. I would like to think that someday there would be a "Conflict Resolution Hall of Fame" where the success stories of conflict resolvers would be even more greatly celebrated and honored than the athletic efforts of our sport heroes.

Needless to say, we all have much work to do in our society before such a place is dedicated to peaceful conflict resolution. But the time has come for such a dedication. Our children should not have to face conflict on a regular basis at school and in their home, their neighborhood, and their community. OJJDP is convinced that by incorporating conflict resolution training into schools, youth-serving organizations, and community and juvenile justice settings, our youth can acquire the skills and strategies to become responsible citizens who choose nonconfrontational behavior to resolve their differences and thus contribute to a safer society for us all. ♦

Literature for Grades 9–12

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Lang, Susan S. *Teen Violence*. Franklin Watts, 1991.

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Teaching Strategy

Frames for Exploring Conflict

Carol Miller Lieber

Update on Law-Related Education, 20.2, 1996, pp. 38–43. © 1996 American Bar Association.

Background

Graphic frames provide different ways to systematically think about conflict. Called *conflict frames* in this context, they can be used to help students investigate, analyze, and discuss contemporary and historical conflicts at local, national, and international levels across the social studies disciplines. These graphic organizers can also help students explore interpersonal conflicts that they experience themselves and provide windows for examining interpersonal conflicts in literature. You can choose to use the conflict frames in two ways: (1) to explore a variety of conflicts and introduce new thinking and organizing tools for describing and analyzing conflicts, or (2) to examine a specific political, economic, social, cultural, environmental, or interpersonal conflict that you are studying in your class.

Objectives

As a result of this lesson, students will

- Describe the multiple dimensions of a conflict, including the type of conflict, sources of conflict, relationships among conflicting parties, and intensity and duration of the conflict
- Identify what various parties do and say that determines how a conflict escalates
- Name the present stage of a conflict
- Identify the next steps that might be helpful in de-escalating the conflict and predict the next steps that are the most likely responses of the conflicting parties
- Examine conflicts from the perspectives of individuals, groups, and governments involved in a conflict
- Appreciate the complexity of conflict by constructing "workable" solutions that must meet some interests and needs of all parties in order to be successful

Target Group: Middle school and secondary students
Time Needed: 2–3 class periods, depending on how much you review, share, and discuss between each stage of making conflict maps
Materials Needed: Student Handouts 1–4; markers, tape and/or glue sticks, and butcher paper or newsprint for each pair of students; enough copies of any of the following so that each student has at least one: *USA Today*, *The New York Times*, local and community newspapers, newsmagazines

Procedures

1. Introduce the idea of using conflict frames to students. Explain that the handouts they will be using will help them think about conflict in systematic ways. You might mention that when people can define and describe a conflict clearly, they increase the possibility of finding a "workable" solution to the problem.
2. Give each student one or more newspapers or magazines. Explain to students that they will have 10 minutes to (a) choose a conflict from their resources that interests them, (b) skim the article, and (c) think about how they would summarize the conflict highlighted in the selected article. Choose a conflict yourself and demonstrate what students are to do, using your conflict.
3. Have students pair up with a partner. Explain that each pair of students will be making a "conflict map." Give pairs five minutes to (a) summarize their conflicts, and (b) choose one of the conflicts to explore during the next two class periods.
4. Distribute sheets of butcher paper or newsprint, markers, and tape and/or glue sticks to each pair of students. Explain that they will be mapping their conflicts on the paper, communicating in words, symbols, and drawings as much as they can about the conflicts they have chosen to examine more closely.
5. Distribute Handout 1 to each pair. Review the handout together. Explain to students that they will have 10 minutes to (a) attach their article to their piece of paper, (b) identify the type of conflict (internal → global) and the sources of the conflict, and (c) communicate information using words, symbols, and/or drawings. Model what students are to do on their papers, using your chosen conflict.
6. Distribute Handout 2 to each pair. Review the handout together. Explain to students that they will have 15 minutes to draw an escalator, like the one on Handout 2, that names what individuals, groups, or nations have said and done that has escalated or intensified the conflict. Remind students to consider the evidence that supports

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their thinking. Then ask them to circle or write down what they think is the present stage of the conflict. Model what students are to do on their papers, using your chosen conflict. In the closing discussion, you might want to compare and contrast stages of different conflicts, looking at various responses that are most frequently used at different stages in a conflict.

7. Distribute Handout 3. Review the handout together. Also write the definitions below on the board and share them with students. Explain to students that they will have 15 minutes to do two things: (a) identify and write on their papers the next step or steps that they think might help de-escalate the conflict, and (b) predict and write what next steps they think are the most likely responses for the conflicting parties. Their second response may be very different from the steps they would recommend to de-escalate the conflict. The differences between their recommendations and their predictions are worth discussing during the final class debriefing and sharing. Model what students are to do on their papers, using your chosen conflict.

8. Write these questions on the board: Which groups are immediately affected by the conflict? What is the most important concern of the group? What would this group want to tell all of the other groups? What groups are involved in resolving the conflict and/or implementing a solution? What is the most important concern of the group? What would this group want to tell all of the other groups? Explain to students that they will have 10 minutes to jot notes answering these questions. Point out that their notes will help them brainstorm and choose a workable WIN-WIN solution to the conflict. Then distribute Handout 4. Review the handout together. Explain that students will be predicting and brainstorming various solutions that will result in different outcomes that have very different consequences. Ask students to brainstorm a solution that matches the outcome in each box (WIN-LOSE, LOSE-WIN, LOSE-LOSE, and WIN-WIN). Model what students are to do on their papers, using your chosen conflict.

9. Use these ideas for class sharing and discussion:

- Have two pairs form a "foursome" and ask each pair to summarize its conflict map for the other pair.
- With the whole class, go back and discuss various aspects of the conflict-mapping project using any of these questions:

How has your thinking about this conflict changed during this activity?

What parts of this exercise were challenging to do? What kinds of information did you need that you didn't have?

In what ways are conflicts much more complicated than you might first observe?

What are two ideas from this activity that you want to remember the next time you explore a conflict?

- You may want to ask students to use any of these frames for "journaling" about their own interpersonal conflicts.

The *-Ate* Processes of Peacemaking

Initiate One individual or group begins a conversation or invites the other party to talk. The discussion may begin with parties not directly involved in the conflict.

Communicate Effective communication involves knowing as much as possible about the other party and her or his point of view; building rapport; listening actively; and responding, questioning, and exchanging information without prejudgment.

Conciliate A third party brings two parties together to share concerns and feelings, air grievances, and explain their perceptions of the conflict. This paves the way for future problem solving.

Facilitate A facilitator assists the parties by acting as an impartial process expert who gathers information, sets agenda, ensures that all parties are heard and all issues are discussed, records content, and summarizes progress.

Negotiate The parties agree to solve the problem themselves. They identify their important needs and interests and explore alternative solutions that are different from either group's original demands.

Mediate The parties agree to work out a problem, requesting a neutral third party to help them. The parties, not the mediator, come up with their own solutions and decide how to make their solution work.

Arbitrate The parties agree to a hearing in which a neutral third party hears both sides of the dispute and makes a binding decision that both parties have agreed to honor.

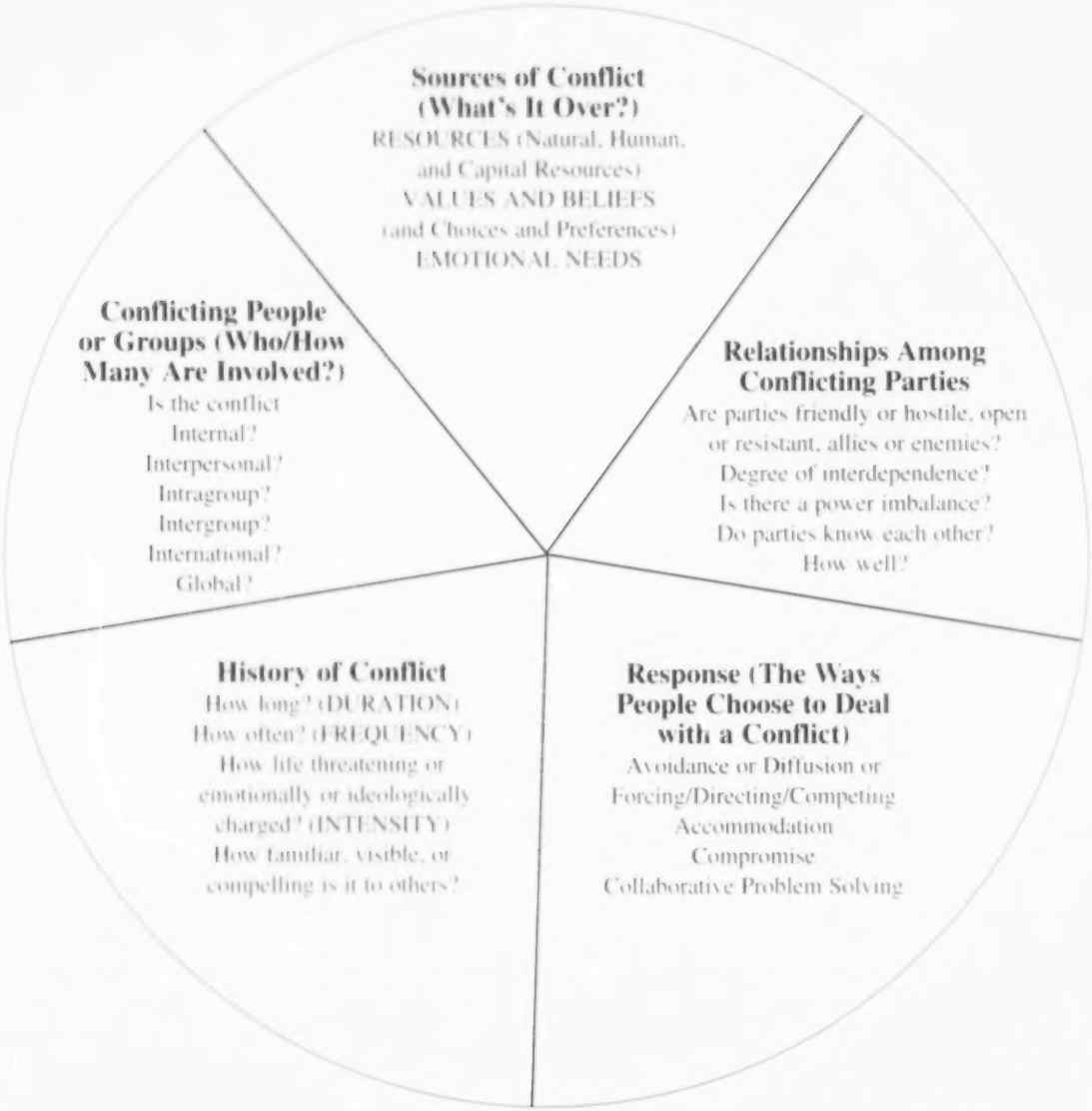
Adjudicate (Litigate) A party who thinks he or she has been treated unjustly can bring another party to court. A judge and/or lawyer will hear the evidence presented and decide which party is right according to the law, that is, the dispute is settled in favor of one party at the expense of the other.

Legislate Laws and rules help create an ordered society. Laws establish common codes of behavior and standards for the treatment of people, property, and the environment. Governments can enforce laws and exercise their authority to punish violators.

Student Handout 1

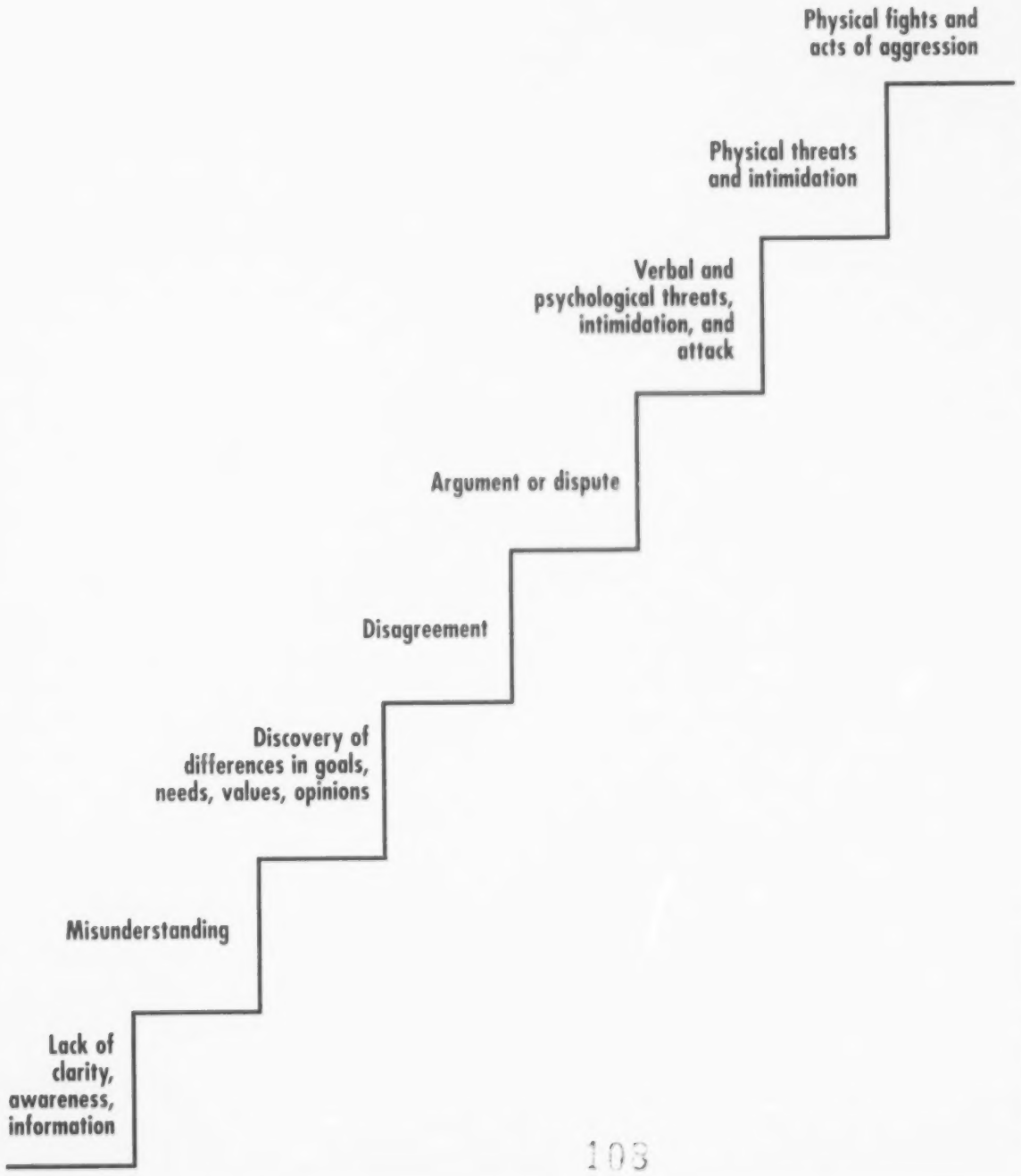
Five Dimensions of Conflict

Every conflict has at least five dimensions. The more clearly and fully a conflict can be described and identified, the more possibilities there are to manage or resolve it.


Sources of Conflict (What's It Over?)
RESOURCES (Natural, Human, and Capital Resources)
VALUES AND BELIEFS (and Choices and Preferences)
EMOTIONAL NEEDS
Relationships Among Conflicting Parties
Are parties friendly or hostile, open or resistant, allies or enemies?
Degree of interdependence?
Is there a power imbalance?
Do parties know each other?
How well?
Response (The Ways People Choose to Deal with a Conflict)
Avoidance or Diffusion or
Forcing/Directing/Competing
Accommodation
Compromise
Collaborative Problem Solving
History of Conflict
How long? (DURATION)
How often? (FREQUENCY)
How life threatening or emotionally or ideologically charged? (INTENSITY)
How familiar, visible, or compelling is it to others?
Conflicting People or Groups (Who/How Many Are Involved?)
Is the conflict
Internal?
Interpersonal?
Intragroup?
Intergroup?
International?
Global?

Student Handout 2

Stages of an Interpersonal or Group Conflict


Physical fights and acts of aggression
Physical threats and intimidation
Verbal and psychological threats, intimidation, and attack
Argument or dispute
Disagreement
Discovery of differences in goals, needs, values, opinions
Misunderstanding
Lack of clarity, awareness, information

Student Handout 3

Responding to Threats, Aggression, and Oppression
What Choices Do Governments or Groups Make?

From Threat to Use of Force	Warfare and Confrontation by Other Means	Nonviolent Action	Conflict Management or Resolution
Invasion	Organized Terrorism	Civil Disobedience	Peace Enforcement
Use of Troops	Threatened Use of Nuclear Weapons	Boycott of Elections	Use of Peacekeeping Forces and Observers
Bombing	Competing Technologies Rather Than Competing Armies	Noncooperation Through Strikes, Slowdowns	Use of Forces to Ensure That Peace Building Is Possible
Troop Mobilization	Covert Action (Secret Operations)	Consumer Boycotts	Third Party Arbitration/Use of International Court of Justice
Blockade	"Intelligence Gathering"	Sit-ins and Fasts	Third Party Mediation
Military Threats	Economic Sanctions	Public Demonstrations	Bilateral or Multilateral Negotiations
Forward Deployment of Troops, Fleets, Planes	Economic Aid	Picketing and Vigils	Shuttle and Summit Diplomacy
Military Advisers and Supplies	Psychological Warfare	Public Meetings	Diplomatic Communication
Arms Shipments	Propaganda Campaign	Petitions and Protest Literature	Gathering Information

103

Student Handout 4

Win, Lose, or Win-Win

Situation _____

Party A _____ Party B _____

1. Party A Wins ..... **1. Party B Loses**	**2. Party A Loses** ..... **2. Party B Wins**
3. Party A Loses ..... **3. Party B Loses**	**4. Party A Wins** ..... **4. Party B Wins**

Student Forum

How Can the Members of a School Board Reach a Consensus on a Controversial Policy?

Frank Kopecky and Gayle Mertz

Update on Law-Related Education, 20.2, 1996, pp. 44–48. © 1996 American Bar Association.

To the Teacher

This forum is a student-organized role-play of a discussion that will illustrate mediation skills. Students will discuss a current educational issue and develop the roles of typical school board members. The primary purpose of this forum is to gain agreement among those members.

Your students are responsible for the forum. Your role is to provide copies of materials to the students and serve as a consultant. The roles have been written to include elements of compromise and common ground. To be successful in the role-play, students must discover these common interests. The facilitator's role is critical.

Forum planning should not begin until students are familiar with the conflict resolution strategies discussed in the articles by Judith M. Filner and Judith A. Zimmer on pages 4–6, Richard Bodine on pages 7–9, and Donna Crawford on pages 14–16. You may select other readings or teaching strategies from this issue that describe conflict resolution programs or demonstrate conflict resolution skills. The teaching strategies by Carol Miller Lieber on pages 38–43 and by Terrence Wheeler and Anita Whitely on pages 26–28 will give students a better understanding of the nature of conflicts.

The forum should take from two to five class periods depending on the number of roles and the amount of discussion. Independent research will elevate the quality of student presentations and overall scholarship. You or your students may elect to use all the sample school board member roles, or you may revise or replace them. Make sure the roles represent diverse philosophical viewpoints. The facilitator role must be maintained.

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Kopecky and Mertz serve on the American Bar Association Advisory Commission on Youth Education for Citizenship and the Update on Law-Related Education *Editorial Advisory Board.*

To the Student

This forum will give you an opportunity to take responsibility for your own learning. The activity will help you explore other people's views and examine your own. Additionally, this forum will help you understand and give you an opportunity to practice conflict resolution skills.

During this forum, you will consider whether a school district should adopt a policy of suspending students who are discipline problems. The school board has had several heated meetings over this topic, and there exists a broad range of viewpoints about the nature of the policy. In order to reach agreement, the school board has agreed to use a mediator to help the members reach a consensus. What should the discipline policy be? Should it be one that is very strict? Should alternative educational opportunities be provided? What type of hearing should be provided before disciplining a student? Perhaps even more important than these questions, which deal with the content of the policy, what method or strategy should the mediator use to help the board reach an agreement?

How to Conduct the Forum

1. The class selects five students to serve on a forum panel.
2. All students complete the preforum ballot and submit it to the panel.
3. Students form groups to develop or adapt forum character roles.

4. The class identifies community members to invite to participate in the forum. Community members may represent themselves or their organizations, role-play sample roles suggested here, create new roles, act as student coaches, or assist students in any aspect of the forum. Inviting a person with conflict resolution skills to act as facilitator or to coach the facilitator may be particularly helpful.
5. The panel selects a facilitator and clerk from among student volunteers. It also organizes the class's selection of students to role-play sample and created roles.
6. The facilitator has the difficult task of helping the group reach agreement. The conflict resolution skills discussed throughout this issue of *Update* will be used. The clerk will assist the facilitator and will schedule the presentation of all roles.
7. The panel conducts the forum.
8. All students complete a postforum ballot. The panel reviews, compares, summarizes, and reports the results to the class.

Getting Ready

To prepare for this forum, review literature, including readings from your teacher, as well as other materials available from national, state, or local organizations that have positions on school discipline. Also review articles and teaching strategies on conflict resolution from this issue of *Update*. Talk to people in your community who are knowledgeable about school discipline and conflict resolution. Keep the forum focused on the main goal of improving the quality of education. Professionals who may be able to help you prepare for the forum or who might participate in it in various roles include teachers, principals, school board members, ministers, attorneys, social workers, and counselors.

Background

The school board is concerned about discipline problems in the schools. The board members are worried about increasing violence in the schools and general disrespect for authority. They fear that keeping troublemakers in the schools will hurt the educational opportunities for students who want to learn. Various proposals have been brought before the board. The members have been unable to reach an agreement, and, in fact, there have been several heated board meetings. In an effort to reach an agreement in a manner that will heal ill feelings, the board has agreed to employ a professional mediator.

The current school board policy is as follows: "Any student who poses a serious threat to herself/himself, other students, or school personnel will be expelled upon recommendation of the superintendent of schools. The superintendent shall investigate all complaints about dangerous students within 48 hours of receiving the complaint. Every student has a right to a hearing before being expelled except in extreme circumstances."

All school board members agree that the current policy is vague and needs to be revised. They also agree that they have an obligation to meet the educational needs of all students. They want a safe and orderly school where each child may learn to the best of his or her abilities.

The facilitator should follow a six-step process that is discussed in several of the articles in this issue.

1. Set the stage.
2. Gather information.
3. Identify issues.
4. Generate options.
5. Evaluate options.
6. Reach agreement.

It is important that all participants allow others to speak without being critical, at least until the evaluation step is reached. Try to find options that will satisfy all interests and be willing to compromise. When reaching decisions, use objective criteria. There will be several opportunities to speak and listen. Be prepared to follow the instructions of the facilitator and to participate in all steps of the process. The goal of this student forum is not to win an argument but to reach a consensus about the contents of a student discipline policy. If a consensus cannot be reached, any dissenting board member should agree to disagree and support a majority decision.

Introduction

Roles The following people are participants in a mediation session that is to establish a school discipline policy. They each have different views, but their views may be found in communities across the country. The student playing the role of the facilitator should begin the session by setting the stage and should be responsible for moving the group through the rest of the process. Students playing the roles of school board members should have about five minutes to present information about their positions to the group. Class members and other school board members may ask questions, and students should respond in a manner consistent with their roles. Remember when asking questions that the early stages of the process are designed to allow for a full exchange of information and to brainstorm ideas. Critical and argumentative questions are not

appropriate. Each school board member will have several opportunities to speak as the process proceeds.

Role 1: Pat Hill, Facilitator Hello, I am Pat Hill, the facilitator. I work as a mediator for an organization called the Peaceable Community. We assist in the resolution of conflicts ranging from family matters to disputes between governmental bodies. I will be following the Six-Step Meditation Process, which you are all aware of. My goal is to help you reach agreement if possible. If not, we hopefully will be able to have a majority decision that we all can support and live with. It is important to remember that whatever we do, the decision will be yours, not mine.

I'll set the stage by giving some general ground rules about how we are going to proceed. In trying to reach agreement, it is important that we separate the people from the problem. We should focus on our mutually shared interests, not on personalities or preconceived positions. Always listen carefully and show empathy for your fellow board members. When brainstorming and generating options, do not hesitate to express your ideas and do not be critical of the ideas of others. There will be time later in the process to evaluate the ideas. Let's not stifle creativity.

Search for options that will provide mutual gain. Compromise if you feel it is necessary. Ideally, we will be able to find those win-win solutions. We should now move to the fact-gathering step. Each of you should put forth your position as completely as you can. All of us in this room will work together so that your complete version of the problem and your solution may be described. Don't be nervous. If it helps, pretend you are telling a story about what schools and school discipline should be like in an ideal world. Let's begin.

Role 2: Robert Varga I am a newly elected school board member. I was elected by people in this community who are concerned about the lack of discipline in the classrooms of this school district. My constituents teach their children to respect authority and value self-discipline. They feel that the environment in many of our schools undermines their ability to inculcate these important values. Students from families who do not teach respect and responsibility disrupt the learning process and should not be allowed to set poor examples for other children. They should not be allowed to continue to disrupt the educational process. There is no reason to wait until a student becomes violent in school before we take action. Any student who is disrespectful or undisciplined should be removed from the classroom.

I do believe that we could reduce the number of necessary expulsions with a policy of early intervention. We should not tolerate any disruptive activity. Teachers and intervention specialists should work privately with any student who is not able to play by the rules and focus his or her attention on getting the best education possible.

Role 3: Martin Whitaker I am Martin Whitaker, an attorney for the United States Justice Department. I work in the property confiscation unit. Most of the cases that I work on stem from illicit drug activity. As a school board member, it is my primary goal to prevent our youngsters from becoming involved in the menacing drug activity that I see every day. We must keep our schools free of drug-related activity. I do not think that we can afford to tolerate any level of drug use or sale in our schools and should swiftly take appropriate measures to expel any students who take part in any such activity.

Yet, I want to caution you about the necessity of providing full due process to any student or adult who is suspected of illegal activity on school grounds. If we do not follow every detail of due process, we may face expensive and time-consuming lawsuits. We must have reliable information before we take any action to expel a student. We must carefully follow school procedures, state laws, and federal mandates in providing a hearing for the student. Even after such a hearing, the student and her or his parents have a right to appeal our decision.

I propose that we adopt a strict expulsion policy. But before the policy takes effect, we must hire an experienced administrative officer who will properly handle the procedures and logistics necessary to implement the policy. This hiring is in everyone's best interests. It will protect the rights of students, parents, and the school district.

Role 4: Carol Easson Every day we read about violence in this nation's schools. In order to protect our students, we must create a policy of zero tolerance of any disruptive behavior. Experienced teachers can easily identify disruptive students who refuse to obey school rules and will become greater problems in the future. We should remove these students from the classroom before they become violent. Teacher recommendations for expulsion should be acted on swiftly. The people who elected me did so because they wanted me to increase the level of safety in the classroom. I am representing their interests.

I know that some of my fellow board members believe that we should coddle these troublemakers. I know that that doesn't work. Juvenile detention facilities are filled with boys and girls who were not punished when they misbehaved but put into programs that excused their behavior and gave them one chance after another. Swift discipline and expulsion is the only way to effectively manage students who disregard school rules and pose a danger to other students. It is possible for those expelled to still have

an education. Maybe an alternative school setting that features rigid discipline would work. I know you cannot succeed in this society without an education, but I support a safe-school policy that considers the welfare and rights of well-behaved students first.

Role 5: Matt Wang I work as a probation officer. I want you to know that more than half of our juvenile probation clients have been expelled from school. Once they are out on the streets, they have nothing to do but get into trouble. Students who are disruptive definitely need discipline, but they also need to be kept in school. We should make a special effort to ensure that these students get a decent education so that we are not paying taxpayers' money to put them in prison in the near future.

It is a mistake to assume that the same disciplinary action—expulsion—is appropriate for all disruptive students. Before a student is expelled completely from school, we have an obligation to try some type of alternative educational program. Students act out for different reasons and respond best to different types of intervention or punishment. As a probation officer, I know the value of individual assessment. We must assess each student individually and apply appropriate means of discipline or punishment to each individual student. In a democracy, we must always make sure that the punishment fits the crime. This applies in our schools as well as the community beyond the schoolyard.

I support keeping as many students as possible in the classroom where they will continue their education. This can be achieved by creating special classes, with our best teachers, for disruptive students. Such classes will serve as an alternative to expelling students. I would support expelling a student only after he or she has exhibited violent behavior and all other measures have failed.

Role 6: Donna Feldstein As a financial analyst, I know that we cannot afford to provide special services to disruptive students without short-changing well-behaved students. I also know that if we expel large numbers of students, we will increase the cost of maintaining juvenile detention facilities. This in turn will reduce funding for our schools.

At the same time, we must remember that our students come from many different cultures and their behavior often reflects the norms of each culture. In a democracy, we must learn to value each individual and understand that different people express themselves differently based on their home environment. We cannot expect all students to behave exactly the same. And without appropriate training, we cannot expect teachers to recognize the cultural influences on our students' behavior.

I suggest that we invest our money in training. First, we must train teachers to recognize and address cultural variations in students' behavior and to distinguish between uncontrolled disruption and different ways of expressing themselves. Second, I propose providing our elementary school students with training that will help them resolve disputes without resorting to violence and show them how to help classmates who are having difficulty. If these skills are learned early, we will greatly reduce the number of disruptive or dangerous students attending our middle and high schools. I propose that we amend the expulsion policy to provide funding for the establishment of violence prevention and dispute resolution training for teachers and elementary school students. The plan that I propose is one of sound fiscal management.

Forum Ballot

How Should Schools Address Disruptive Student Behavior?

Circle the choice that best answers how you feel about disruptive student behavior.

	strongly agree				strongly disagree
1. Students who are disruptive in school should be referred to the school counselor to help them resolve problems that cause the behavior.	1	2	3	4	5
2. Disruptive students should be taken out of the classroom immediately so that others can continue to learn and get their work done.	1	2	3	4	5
3. If teachers were well-trained, they would know how to keep students interested in learning, and students would not be disruptive.	1	2	3	4	5
4. Students who are disruptive should be removed from the classroom where they cause problems and put in a special class where there is strict discipline.	1	2	3	4	5
5. Students who are disruptive in class should be required to appear before a student court, and a punishment should be determined by their peers.	1	2	3	4	5
6. Students who are accused of being disruptive in class should have the right to a fair hearing before any action is taken to punish them.	1	2	3	4	5
7. All school rules and the consequences of breaking rules should be clearly explained to all students at the beginning of each school year.	1	2	3	4	5
8. If a student is disruptive in class, the school should require her or his parents to attend school with the student and control the student's behavior.	1	2	3	4	5
9. Students should learn to concentrate and discipline themselves so that they can read or study even if other students are acting out in the classroom.	1	2	3	4	5
10. The student council should develop a code of conduct for all students to follow. If students make the rules, they will be more likely to follow them.	1	2	3	4	5
11. High schools should have mandatory conflict resolution classes that are required for graduation credit.	1	2	3	4	5
12. Using dispute resolution strategies to reach a consensus is a good idea because people will more likely follow a rule they have helped to make.	1	2	3	4	5
13. Trying to reach consensus is too long a process. Going quickly to a vote is a better process.	1	2	3	4	5
14. Why bother with group decision making? Bring in an expert who can write a discipline policy.	1	2	3	4	5
15. Conflict when viewed as a solution-building opportunity can lead to positive change.	1	2	3	4	5

Write a short answer.

16. Students are disruptive in school because ...
17. Students should be expelled if/when ...
18. School personnel could reduce the need to expel students by ...
19. If a student is expelled, he or she should be ...
20. I do (do not) support student expulsion because ...

Law-Related Education Essentials Matrix

From *Essentials of Law-Related Education*. © 1995 American Bar Association.

	TS p. 10	TS p. 17	TS p. 26	TS p. 38	SF p. 44
Subject Matter					
Justice					
Role of adversarial system and other mechanisms for resolving disputes and conflicts in society	x	x	x	x	x
Contexts and Practices of Instruction					
Conditions Necessary for Effective LRE Instruction					
Access to, and use of, community resource leaders					x
Student-centered classroom	x	x	x	x	x
Teachers and other school staff trained to deal effectively with controversial issues and conflict	x				x
Problem-oriented approach to instruction	x	x	x	x	x
Provision of opportunities for students to practice ideals to be learned	x				x
Developmentally appropriate instruction	x	x	x	x	x
Instructional Strategies					
Instruct interactively					
...use cooperative learning strategies, simulations, and role-plays	x	x			x
...use group work activities, including group research projects	x	x	x	x	x
...use experiential learning strategies	x	x			x
Develop curriculum					
...relevant	x	x	x	x	x
...deliberate in consideration of controversial issues			x	x	x
Assessment					
Incorporates peer assessment and students' self-assessment	x	x	x	x	x
Bases assessment on performance and outcomes	x	x	x	x	x
Provides opportunities to apply what has been learned	x			x	x
Skills					
Thinking					
Developing capacity for understanding and evaluating controversies and conflicts arising from legal and other issues	x	x	x	x	x
Communications and Social Participation					
Articulating and expressing ideas, beliefs, and opinions regarding legal issues	x			x	x
Developing capacity for communicating and interacting with those from diverse backgrounds and circumstances		x			x
Building consensus through deliberation, negotiation, compromise, and conflict resolution	x	x	x	x	x
Working cooperatively with others to make decisions and take actions concerning hypothetical or actual legal or law-related social issues	x	x		x	x
Attitudes, Beliefs, and Values					
Substantive					
Fostering respect for fundamental human rights and dignity	x		x		
Appreciating the value of legitimately resolving conflicts and differences in society	x	x		x	x
Procedural					
Understanding how attitudes, values, and beliefs essential to LRE are fostered through teaching of fundamental subject matter employing critical instructional practices	x	x	x	x	x

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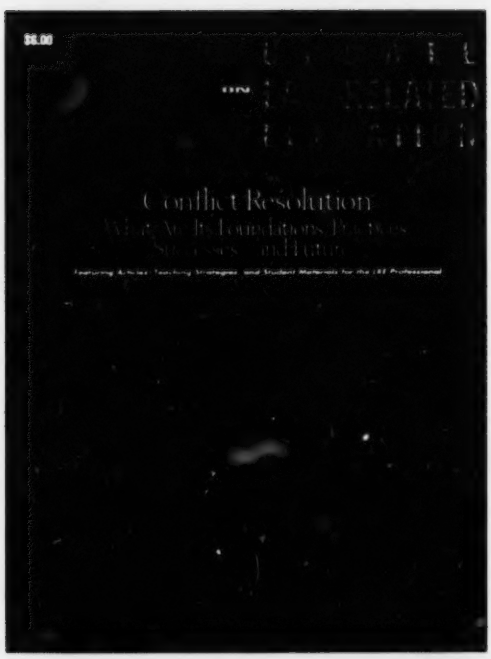

COMING THIS FALL

Elections: What's New? What's Old? What's Remarkable?

Articles, lessons, and educational resources focusing on the timely election issues, including

- History of voting, the youth vote, and the Electoral College
- Campaign finance reform and the role of primaries in presidential elections
- Innovative voter registration methods and cyber-space elections on the World Wide Web
- Voting patterns of new immigrants and social barriers to voting
- International perspectives on voting
- State elections

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Youth Education for Citizenship
AMERICAN BAR ASSOCIATION

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FALL 1996 VOL 20 NO 1

UPDATE ON LAW-RELATED EDUCATION

Special Issue!

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Featuring Articles
Student Materials fo

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Special Election 1996 Issue

Many forms of Government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of Government except all those other forms that have been tried from time to time.

Sir Winston Churchill

Identifying democracy as the best of the worst seems inconsistent with our ideology that democracy is the hope of the future for people around the world: that it is the best opportunity for the people to speak and the popular will to be expressed. Yet, perhaps, Churchill was merely recognizing that democracy is difficult and messy. It is not for the faint of heart.

To rely on the will of the masses in the selection of government leaders requires trust in collective wisdom. Therein lies the opportunity and the fear. H. L. Mencken declared, "No one has ever lost money by underestimating the intelligence of the great masses of the plain people." But Reinhold Niebuhr observed, "Man's capacity for justice makes democracy possible, but man's inclination to injustice makes democracy necessary." A position not unlike Churchill's. As for me, I believe in the collective wisdom of the people. But that wisdom needs to be informed through education. In its own small way, this issue of *Update on Law-Related Education*, with its articles and teaching strategies, is designed to contribute to public understanding about our elections.

From President Bill Clinton's and Senator Bob Dole's campaign offices, we have the nominees' perspectives on voting and education, with reflections on the role education plays in preserving our democracy.

Our experiment in democracy will probably never be finished. Proposals for reforms abound. Thus in this issue you'll find articles about regulating campaign contributions and the rules of the federal election commission. Concerns about presidential primaries distorting our system are raised. An important participant in a third-party movement expresses his view on the need for laws to be nonpartisan. The student forum in this issue debates the wisdom of voting by mail.

Democratic processes are possible only if citizens participate. And concern continues about the level and quality of citizen participation. The Motor Voter Law's effects are considered in one article, and the social barriers to voting in another. A student activity focuses on who may vote.

Background and historical information is presented. Historical voting patterns, congressional districting, and the Electoral College are each treated. Electoral College Jeopardy presents a pleasant way to review factual information.

Adding to the overwhelming quantity of information and campaign rhetoric, many candidates and political parties, including both major presidential candidates, have web sites on the Internet. Advice on where to go on the Internet for election year resources is presented. The intriguing possibility of future elections occurring in cyberspace is considered.

Finally, democracy may be the last, best hope of humanity. And it is being tried around the world. The fairness of elections is always an issue, and we hear from a participant in overseas election monitoring.

Special thanks go to guest editors Elizabeth M. Yang and Margaret E. Fisher. They thoughtfully fulfilled the task of producing this challenging edition.

Let me conclude by asking you to reflect on this comment by E. M. Forster: "So two cheers for democracy: one because it admits variety and two because it permits criticism."

Ronald A. Banaszak

Ronald A. Banaszak
Director, Youth Education Programs
ABA Division for Public Education

Front Cover Illustration by Tony Griff Design by DePinto Graphic Design
Produced by Creative Services Associates, inc.
©1996 American Bar Association
ISSN 0147-8648 PC #738-0100-2003
Funding for this issue has been provided by the American Bar Association Fund for Justice and Education; we are grateful for its support.
Update on Law-Related Education is published three times each year (winter, spring, fall) by the American Bar Association Special Committee on Youth Education for Citizenship. Chair: Allen W. Kimbrough; Director, Division for Public Education: Mabel C. McKinney-Browning; Director, Youth Education Programs: Ronald A. Banaszak; Director, Publishing and Marketing: Seva Johnson
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Contents

Volume 20, Number 3
Fall 1996

Election 1996

2 Foreword *Elizabeth M. Yang* and *Margaret E. Fisher*

4 History of Voting in the United States
Elizabeth M. Yang *discusses how constitutional amendments and federal laws extended the right—and the ability—to vote to most Americans.*

8 Federal Election Commission
Lee Ann Elliott *describes the "watchdog" agency created by politicians to oversee the financial activities of candidates.*

10 Elections in Cyberspace
Anthony Corrado *explains how new information and communication technologies are changing the landscape of American politics.*

14 Webbing It
Jennifer Brandsberg *tells of experiencing an election year on the World Wide Web.*

15 On the Road With Motor Voter
Becky Cain *explains how the National Voter Registration Act has significantly increased the number of registered voters in the United States.*

17 In the Trenches for Democracy
William B. Canfield III *explores the first free elections in newly democratic countries.*

19 **Teaching Strategy**—Who May Vote?
Mary C. Larkin *provides information and activities on constitutional and state guidelines to explore the issue of who may vote.*

24 **Perspectives on Voting and Education**
From the Clinton/Gore '96 Campaign
President Clinton *emphasizes the importance of voting, education, and citizenship.*

25 **Perspectives on Voting and Education**
From the Dole/Kemp Campaign
Senator Dole *invites young people to "Make a Difference ... Lead the Vote."*

26 Regulating U.S. Campaign Contributions
Trevor Potter *discusses the difficulties with federal election laws.*

28 Congressional Districting: A Historical Overview
Jan Witold Baran *and* ***Jason P. Cronic*** *review malapportionment, gerrymandering, and the challenges to fair voting districts.*

31 Social Barriers to Voting
Pauline A. Schneider *explores factors that may keep people from voting.*

34 Electoral College
Joel K. Goldstein *reviews the Electoral College—is it a dinosaur that should be abolished or a last bastion of democracy?*

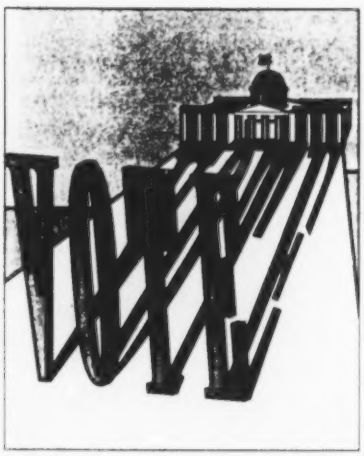
37 **Teaching Strategy**—Let's Play Jeopardy! Today's Topic: The Electoral College
Margaret E. Fisher *helps students explore the presidential election process, the concerns of the founders, and the possible need to reform the Electoral College.*

40 Presidential Primaries: Front-loaded Fiascoes?
Curtis Gans *investigates why the 1996 nominating process could lead to the destruction of the two-party system.*

42 Laws Must Be Nonpartisan, Not Bipartisan
Ross Clayton Mulford *discusses how current campaign finance laws and regulations help keep incumbents in and challengers out.*

44 **Student Forum**—Should a State Adopt a Mail-In Ballot Procedure for a Special Election for U.S. Senator?
Jennifer Brandsberg *highlights different perspectives about adopting a mail-in ballot procedure for electing a senator to the U.S. Congress.*

49 Election Resources
Paula Nessel *lists resources for educators to use to teach about the election process.*



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Foreword

Elections in the United States are considered to be the crowning achievement of modern-day democracy. As we approach November 1996, the history and intricacies of elections are constantly being brought to the forefront, and this edition of *Update on Law-Related Education* provides an essential and timely forum for educating students about contemporary electoral issues and the fundamental responsibilities of voting.

Two trains of thought often guide individuals in their decision as to whether or not to cast a ballot: individual feelings regarding the competence and efficacy of the current political process and feelings of political obligation. The notion that a lack of confidence in the political process should lead to a lack of feeling of obligation seems a logical conclusion. However, a survey of American government students—from an urban high school in Seattle—suggests that while individuals may feel that the current system does not adequately take their votes into account, there is still an underlying personal obligation to remain involved in the electoral process by voting.

The American Bar Association has made an effort to improve voter registration and participation. Teaching all citizens, particularly youth, that voting is a responsibility (as well as a privilege) of citizenship can provide a driving impetus for more individuals to become involved in the electoral process.

Elections are not purely political matter, they provide a medium for individuals to voice their preferences and to participate in the casting of ballots for political office and for referendums. Toward that end, the following pages are the result of the Association's efforts to educate by providing historical articles and the personal views of actors intimately involved in our nation's electoral process.

This edition is a result of a new and unique configuration, combining the subject matter expertise of the ABA Standing Committee on Election Law—a nationally regarded authority in the field—with the experience of educators. This combination of expertise will allow for the exploration of the many facets of voting from the perspectives of experienced academics, public officials, and election law attorneys.

As technology changes with each passing minute, it impacts all segments of society, even the electoral process. The evolution of voting is explored through a history of voting, current perspectives on such electoral trends as elections in cyberspace, the emer-

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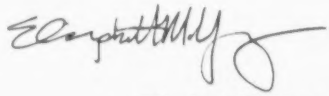
gence of third parties, and Motor Voter legislation, as well as teaching strategies that are designed to complement various aspects of the study of elections.

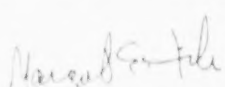
Also explored is the international trend of newly developing democracies, where the ability to vote is valued as a quintessential aspect of citizenship. It is hoped that a look into these countries, which—after much time, strife, and tribulation—are experiencing democracy for the first time, will convey the urgency and importance of casting a ballot with much pride and without fear.

Although we stated earlier that elections are not solely about politics, we admit that frequently it is impossible to ignore the impact or importance of politics on the electoral process. Very often the spirited debate of politicians provides the necessary information and motivation for our votes. We are privileged to feature from the campaign offices of President William J. Clinton and Senator Robert J. Dole their views on the importance of voting and education to sustain the American way of life. Although politics often lends itself to a strong atmosphere of debate, the responsibility for casting a ballot is a matter of citizenship and not a matter of contention.

This edition is laden with the experiences and perspectives of experts in the electoral process. Lessons can always be learned from others. The opinions that have been included in this edition offer views and understandings of the electoral process as a means of providing information to students. It is hoped that this sharing of experience and knowledge will provide a backdrop for students to learn and, through meaningful discourse and study, form their own opinion and appreciation of the important concept of voting as a means of expressing their thoughts.



Elizabeth M. Yang
Staff Director of the ABA Standing Committee on Election Law in Washington, D.C.



Margaret E. Fisher
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History of Voting in the United States

How constitutional amendments and federal laws extended the right—and the ability—to vote to most Americans

Elizabeth M. Yang

Update on Law-Related Education, 20.3, 1996, pp. 4–7. © 1996 American Bar Association.

Voting is an integral part of American citizenship. It is a fundamental right and privilege of democracy that quite often is neither appreciated nor understood. Over 200 years ago, only a limited part of the population was allowed to cast a ballot, and now nearly all citizens over the age of 18 are entitled to vote.

Black's Law Dictionary defines the word *vote* as "suffrage or the expression of one's will, preference or choice." The ability to express an opinion through voting is a concept that is easily understood and has become a part of daily life. After all, some form of voting can be found at all levels of society—in politics, schools, social situations, and the workplace. Suffrage, on the other hand, is a concept that is not as easily grasped or perceived. A further look into *Black's Law Dictionary* reveals that *suffrage* is defined as "a vote; the act of voting; the right or privilege of casting a vote at public elections." This definition is often ignored by or unknown to the average citizen. In order to fully understand suffrage, or rather the concept of voting as a privilege in our society, we must examine the relevant amendments to the Constitution and the accompanying landmarks in the history of the United States, which have resulted in the current electoral process.

Elizabeth M. Yang is staff director of the ABA Standing Committee on Election Law in Washington, D.C.

The Right to Vote

Many people would be amazed to know that the Constitution originally allowed the states to bestow the right to vote only on white males who either owned property or paid poll taxes. Article I, Section 2 refers to "the People of the several States" having the right to vote for members of the House of Representatives, which at that time meant adult white males. Approximately 6 percent of the adult male population was actually eligible to vote because individual states were able to dictate various religious and property requirements. By 1850, all states had abolished these, and thus the number of adult white males who were entitled to vote grew, but the poll tax still remained a barrier to some. The fact that all adult white males were still not eligible to vote even 50 years after the formation of the United States illustrates the long process that the nation would have to undergo in order to expand the voting franchise even further. Amendments to the Constitution have provided the basis for extending the right to vote to other parts of the population.

Fifteenth Amendment—The Elimination of Racial Barriers to Voting

The aftermath of the Civil War created another opening for the expansion of the right to vote. The groundwork was laid in 1865, when the Thirteenth Amendment to the Constitution outlawed slavery, and in 1868, the Fourteenth Amendment granted citizenship to all people born or naturalized in the United States. Finally, in 1870, the Fifteenth Amendment was adopted, which stated, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

By 1870, as a matter of federal law, the right to vote had been extended to all male citizens of the United States. The reality of the matter was, of course, rather far from fact. In the South, various methods, such as poll taxes, grandfather clauses, and literacy tests, were used to deny African-American males the ability to exercise their right to vote. Poll taxes created a monetary barrier to voting that excluded even poor white males. Several Southern states adopted grandfather clauses that excepted anyone who had voted before 1866—or who was a descendant of someone who had voted before that time—from being subject to other restrictions to voting, such as literacy tests, educational or "good character" tests, or poll taxes. Literacy tests were administered in a discriminatory fashion, ranging from requiring the basic ability to read and write to requiring the ability to read and under-

stand the U.S. or state constitution. In other words, African Americans were faced with barriers that white males were exempt from, by virtue of the fact that white males or their ancestors had voted in a period when African Americans could not vote.

Nineteenth Amendment—Women's Right to Vote

In 1920, the Constitution was again amended, this time to declare that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex." This amendment was the result of the women's suffrage movement, which originated in the late 1800s and early 1900s. Women now worked both inside and outside the home and were becoming a growing and united voice in the quest for the vote. Women across the country began to demonstrate, picket, and make speeches in support of their right to vote. In 1872, Susan B. Anthony voted in a national election and was subsequently convicted of voting without having a legal basis to do so. Critics to extending the vote portrayed women as being weak and lacking both the ability and the temperament necessary to make the decision involved in casting a ballot. In the West, where women, of necessity, were more active as laborers and wage earners, the women's suffrage movement was more successful. By 1912, nine of the eleven Western states had granted women the full right to vote in state and local elections.

The onset of World War I in 1914 provided the final push for the suffrage movement. Women began to protest even more vehemently that it was absurd for the United States to deny female citizens the right to vote when the country was in the midst of fighting a war based on world democracy. On August 18, 1920, Tennessee became the thirty-sixth state to approve the Nineteenth Amendment, which was ratified on August 26, 1920. Women were at last given the vote, 137 years after white men.

Twenty-third Amendment

When the District of Columbia was founded in 1802, from portions of Virginia and Maryland, the residents were denied the right to vote in presidential elections. In 1960, with the adoption of the Twenty-third Amendment to the Constitution, the residents of the District were given the right to vote.

Twenty-fourth Amendment—The End of the Poll Tax

In 1964, the poll tax was abolished. Although the majority of the states had already rescinded their laws instituting taxes as a barrier to voting, five Southern states continued to require citizens to pay to vote. The Twenty-fourth Amendment effectively denied the states the ability to consider a citizen's economic status as a factor in the voting process.

Voting Rights Act of 1965

The repeal of poll taxes should have opened the polls to all citizens, yet a disproportionate number of African Americans in the South had still not registered to vote. The Voting Rights Act of 1965 was passed by Congress in an effort to increase voter registration by repealing the requirements for literacy tests and similar devices, which denied otherwise eligible citizens the right to vote. The statute affected only states that had registered less than 50 percent of the voting-age population by November 1, 1964.

In 1970, Congress passed legislation prohibiting uses of literacy tests and requiring that bilingual ballots be used in areas where at least 5 percent of the population could not speak or understand English. The Voting Rights Act resulted in massive voter registration drives by African Americans and other minorities, thus effectively broadening the right to vote.

V Is for Voting

Douglas A. Phillips

Inside the polling booth every American man and woman stands as the equal of every other American man and woman. There they have no superiors. There they have no masters save their own minds and consciences.
Franklin Delano Roosevelt, 1936

Voter education must emphasize basic processes, values, and visions. To help teachers accomplish this, activities that address five fundamental aspects of voting will be presented throughout this issue. Look for them under these headings: *Voter Virtue, Voter Values, Voter Volition, Voter Vision,* and *Voter Voice.*

Douglas A. Phillips is the social studies coordinator for the Anchorage School Districts, recipient of the National Council for the Social Studies Outstanding Teacher Award, and past president of the National Geographic Education Council. Mr. Phillips serves as a member of the ABA Special Committee on Youth Education for Citizenship as well as the Alaska ABA LRE Committee.

Twenty-sixth Amendment—Reduction of the Voting Age

In 1971, Congress passed a bill that, when approved by the states as the Twenty-sixth Amendment, extended voting rights to those citizens 18 (from 21) years and older. The driving force behind this extension of voting rights was the student protest movement that sprang up in opposition to the Vietnam War. Just as women in the early twentieth century had used the First World War to argue for their right to vote, students began to decry the fact that they were considered old enough to fight for their country, but not old enough to vote.

Conclusion

The extensions of the right to vote to all United States citizens 18 or older, regardless of race or gender—with the exception of convicted felons and the mentally incompetent—did not come about without great struggle and determination. It is interesting to note how the events of American history helped provide each part of the population with the right to vote. The Revolutionary War gave the vote; the Civil War enabled African Americans to be recognized as citizens and thus enabled them to vote; the First World War became the focal point for women's right to vote; and the Vietnam War reduced the age for voting. The passion that resulted from those earlier trying times should not be forgotten or forsaken.

The exercise of one's right to vote is, unfortunately, not as common as one would think. People in many countries struggle daily for the opportunity to voice their opinions freely and without fear of reprisal. Suffrage is, indeed, a privilege and a right that should not be taken lightly or for granted. Voting is not only an expression of opinion, but a fundamental and inherent part of citizenship—as it allows individuals to let their voices be heard. ♦

The Youth Vote

The Issue

Voting is a form of expression, an opportunity to voice preferences, which should be encouraged at all eligible ages and all levels of society. According to U.S. Census statistics, in 1994, the year of the last congressional election, 190.25 million people in the United States were eligible to vote. Yet only 62 percent of the voting population registered to vote and only 85 million people, representing 45 percent, actually voted. The worst voter participation rate was found in the age group ranging from 18 to 24, representing 25 million individuals, where only 42 percent of the total registered to vote and only 20 percent actually cast a ballot.

The Statistics

Table 1 Percent of Persons, Aged 18 to 24, Reported Having Registered or Voted by College Enrollment Status, Race, Hispanic Origin, and Gender: November 1994

	Reported Registered Total			Reported Voted Total		
	18–24 years	In college	Not in college	18–24 years	In college	Not in college
RACE						
Total	42.2	54.6	36.7	20.0	26.7	16.7
White	43.8	58.0	37.1	21.1	28.3	17.4
Black	41.8	50.4	40.3	17.4	23.6	15.5
Hisp orig.*	19.5	37.8	14.6	9.8	24.0	6.2
GENDER						
Male	40.7	53.2	35.5	18.5	26.0	15.2
Female	43.6	55.8	37.8	21.4	27.4	18.3

* Persons of Hispanic origin may be of any race.

Table 2 Percent Reported Voting and Registering, by Age, in November Elections; 1964–94 (reported voting for any office or issue on the ballot)

	Age (in years)					Age (in years)			
Election	18–24	25–44	45–64	65+	Election	18–24	25–44	45–64	65+
VOTING					REGISTERING				
1994	20.0	39.1	56.0	60.7	1994	42.2	57.5	71.0	75.6
1992	42.8	58.3	70.0	70.1	1992	52.5	64.8	75.3	78.0
1990	20.4	40.7	55.8	60.3	1990	39.9	58.4	71.4	76.5
1988	36.2	54.0	67.9	68.8	1988	48.2	63.0	75.5	78.4
1986	21.9	41.4	58.7	60.9	1986	42.0	61.1	74.8	76.9
1984	40.8	58.4	69.8	67.7	1984	51.3	66.6	76.6	76.9
1982	24.8	45.4	62.2	59.9	1982	42.4	61.5	75.6	75.2
1980	39.9	58.7	69.3	65.1	1980	49.2	65.6	75.8	74.6
1978	23.5	43.1	58.5	55.9	1978	40.5	60.2	74.3	72.8
1976	42.2	58.7	68.7	62.2	1976	51.3	65.5	75.5	71.4
1974	23.8	42.2	56.9	51.4	1974	41.3	59.9	73.6	70.2
1972*	49.6	62.7	70.8	63.5	1972	58.9	71.3	79.7	75.6
1970	30.4	51.9	64.2	57.0	1970	40.9	65.0	77.5	73.7
1968	50.4	66.6	74.9	65.8	1968	56.0	72.4	81.1	75.6
1966	31.1	53.1	64.5	56.1	1966	44.1	67.6	78.9	73.5
1964	50.9	69.0	75.9	66.3	1964	NA	NA	NA	NA

*Prior to 1972, data are for persons of voting age, 21 years old and over, in most states.
NA—Not available.

The Solution

Register to vote and then vote. Exercise your precious right of citizenship. Work with organizations that promote voting. People for the American Way—First Vote Project and MTV's Rock the Vote are organizations committed to improving the youth vote and educating students.

Resources

People for the American Way, 2000 M Street, NW, Suite 400, Washington, DC 20036, (202) 467-4999

MTV's Rock the Vote, 1460 4th Street, Suite 200, Santa Monica, CA 90401, (800) 225-5788

Voter Virtue

Is there virtue in voting? Ask students to consider this question in pairs as they list reasons why they believe citizens do or do not vote. Have them interview three to five adults on whether they voted in recent elections and reasons why they did or did not. Share and discuss in class within the frame of "voting as a virtue."

Federal Election Commission

A "watchdog" agency created by politicians to oversee the financial activities of candidates

Lee Ann Elliott

Update on Law-Related Education, 20.3, 1996, pp. 8–9. © 1996 American Bar Association.

The Federal Election Commission (FEC) was created in 1974 in order to facilitate the full disclosure of federal candidate and committee receipts and expenditures. The agency is also charged with enforcing the limitations and prohibitions of the Federal Election Campaign Act and its amendments and in administering the Presidential Campaign Fund.

The commission has six members who are appointed by the president, with the advice and consent of the U.S. Senate. No more than three commissioners may belong to the same political party. They serve six-year staggered terms. The chair of the commission rotates, and no commissioner may serve more than one year as chair during the term. Commissioners may be reappointed without limit.

The commission normally holds two meetings each week. The Thursday meeting is open to the public, who may observe as the commissioners contemplate, discuss, and make decisions. At this meeting, commissioners issue advisory opinions, adopt regulations, approve audit reports, and discuss budgetary matters.

Lee Ann Elliott is a member of the Federal Election Commission in Washington, D.C., and served as its chairman in 1984, 1990, and 1996. She is a member of the Advisory Commission to the ABA Standing Committee on Election Law in Washington.

The Tuesday meeting is closed to the public when pending enforcement actions, litigation, and personnel matters are discussed. The need for confidentiality in these matters is mandated by law. However, when an enforcement matter has been settled, it is made available for public inspection.

Jurisdiction

The commission has jurisdiction over every campaign for federal office (House of Representatives, Senate, president, and vice president of the United States). The commission has jurisdiction over every political committee that makes a contribution to a federal candidate. These may include political committees established by political parties, corporations, and labor unions (political action committees, called PACs for short). The commission also has jurisdiction over every U.S. citizen who makes a contribution to a federal candidate. In addition, the commission has jurisdiction over candidates for any local or state office if a candidate receives a contribution from a foreign national, a national bank, or a federally chartered corporation.

Disclosure

Committees of all candidates for federal office, political party committees, and PACs are required to file periodic reports disclosing the sources of contributions and the persons to whom the committees make expenditures.

Candidate committees must give contributors' names, addresses, occupations, places of employment, and work addresses for all contributions they receive that are in excess of $200. Likewise, they must disclose expenditures made to individuals or vendors, including the addresses and the purpose of each expenditure if it amounts to over $200 in a year.

The law requires the commission to have these reports available for public inspection within 48 hours. Candidates and political committees must also file these reports with election officials in each state in which there is campaign-related activity.

Contribution Limits and Prohibitions

The FEC statute prohibits corporations, labor unions, federal government contractors, and foreign nationals from making contributions or expenditures on behalf of federal candidates. In addition, the law limits contributions by individuals and groups to candidate committees, party committees, and PACs. It also limits what multicandidate PACs or other PACs may give.

Individuals are limited to contributions of $1,000 per candidate per election. They may give up to $5,000 per year to PACs and up to $20,000 to national party committees per year. However, an individual's total contributions to federal political committees

are limited to $25,000 per calendar year.

Multicandidate PACs are limited to contributions of $5,000 per candidate per election. They may give up to $5,000 to another PAC and up to $15,000 to national party committees per year. There is no calendar year limit on what they may contribute.

Other PACs are limited to contributions of $1,000 per candidate per election. They may give up to $5,000 to another PAC and up to $20,000 to national party committees per year. There is no calendar year limit on what they may contribute.

Corporate and Union PACs

Corporations and labor unions may spend an unlimited amount of their treasury to pay for the administrative and solicitation costs of a PAC. However, corporations may solicit only their executive and administrative personnel and their families and their stockholders. Unions may solicit only their executive and administrative staff and their families and their members and their families. All contributions to the PAC must be voluntary.

Other PACs

Other political committees may not use the treasury funds of any group to pay for their administrative and solicitation costs. They must pay these costs from the money that is contributed to them. However, they may solicit any U.S. citizen, as well as persons with green cards.

Independent Expenditures

Individuals and groups may make unlimited independent expenditures in connection with federal elections. An *independent expenditure* is an expenditure for a communication that expressly advocates the election or defeat of a clearly identified candidate and that is made independently from the candidate's campaign. To be considered independent, the communication may not be made at the request or suggestion of the candidate or the individual's campaign committee or with the cooperation or consent of the candidate or the campaign committee. The law requires that persons or groups making independent expenditures report them to the commission when they go over a certain amount.

Political Party Committees

Political parties that are active in federal elections at the local, state, or national level are required to file reports with the commission disclosing their federal campaign activity. They too are subject to contribution limits of $5,000 per candidate per election.

In addition, national and state party committees may make "coordinated expenditures," subject to limits in the general election. These also must be reported to the commission.

If state parties engage in registration or "get-out-the-vote" drives that might help a federal candidate, a certain amount of the money spent must be paid from the federal account. No corporate or union funds may be used for the federal share of these activities. Both the state and the federal shares must be reported to the commission.

Funding of Presidential Campaigns by Taxpayers

The commission administers the Presidential Election Campaign Fund that is created by the $3.00 checkoff on the first line of the individual income tax form. Those filers checking off do not pay any additional tax, nor is there a reduction in a refund if one is owed. In 1994, about 14 percent of filers checked off.

The fund has three priorities. The first is the contribution to major national parties to pay for the presidential nominating conventions. The amount received is indexed for inflation and amounts to over $12 million for each party for its 1996 convention.

The second priority is the general election. Soon after nomination, each major party candidate receives a lump sum amount in excess of $62 million that is indexed for inflation. No other funds or contributions may be used for the general election. This money may be used only for election expenses.

The third priority is the primary elections. To qualify for this part of the program, a candidate must raise $5,000 in each of 20 states from individuals only in amounts of $250 or less for a total of $100,000. After this initial qualification, candidates may match all contributions of $250 or less, regardless of where those contributions are raised. Candidates must pledge to use taxpayer funds only for election expenses, and they must comply with state and overall spending limits. They also must pledge not to use more than $50,000 of their own funds in the campaign.

Some candidates choose not to participate in the matching fund program. Those who do will be audited by the commission to be sure that the taxpayer funds they received were used for election purposes only and that the reports they filed were complete and accurate.

Minor party candidates may qualify for partial general election funds after the election, based on the percentage of votes they received. ♦

FEC Information and Public Records

The FEC's Information and Public Records Divisions are excellent sources of current and historical information. They respond to thousands of requests each month. Information can be obtained by writing to the commission at 999 E Street, NW, Washington, DC 20469, by calling (800) 949-2593, or by accessing the Internet at http://www.fec.gov. In addition, Flashfax is available by calling (202) 501-3413.

Elections in Cyberspace

How new information and communication technologies are changing the landscape of American politics

Anthony Corrado

Update on Law-Related Education, 20.3, 1996, pp. 10–13. © 1996 American Bar Association.

Election Day, November 3, 2020

As usual, the presidential contest is shaping up to be a close one. The Democratic and Republican nominees lead the field, but neither is expected to gain more than 40 percent of the vote. They are challenged by a number of other candidates, representing the Reform Party, the Green Party, the Libertarians, the Citizens' Party, and a host of other minor parties that have emerged in recent years. Your choice is a difficult one because there are many attractive candidates.

But today you have to decide. So after coming home from work, you turn on your television and select the local political network, which provides an election menu listing all the races and candidates. You select two candidates for the office of president, call up information about their positions on the issues most important to you, watch a few video presentations of their most recent public statements, check the on-line voting-record summaries provided by groups you trust, and sift through several newspaper endorsements that are available in both text and video formats. All of this takes only a few minutes.

You then review some of the information available on candidates running for Congress and various state offices, ask a few questions that are answered by their interactive voter outreach services, and watch a couple of advertisements and video clips from their on-demand voter libraries. Then you push a button to call up a ballot, enter your social security number and personal identification number, make the selections, and hit another button to file your ballot with a centralized vote-processing network. Selecting your preferred candidate might have been as confusing as ever, but voting was simple. Welcome to politics in the digital age!

This scenario, which would have been considered science fiction less than 25 years ago, is already more fact than fantasy. New information and communication technologies are developing rapidly, revolutionizing the ways in which we communicate and gain access to information. Cable television, direct broadcast satellites, the Internet, and public on-line services are emerging as powerful new links between citizens and politicians —offering voters access to vast amounts of information, a diversity of viewpoints, and new forums in which to engage in political dialogue. These technologies are so redefining the landscape of American politics that they are likely to have an even greater effect on political life than radio and television did earlier in this century.

The Beginning of an Electronic Democracy

Many observers believe that new technologies offer the prospect of a revitalized democracy and a more informed citizenry. Ross Perot advocates the creation of "electronic town hall meetings" that link citizens from different parts of the country together to share their views with legislators and even directly discuss and vote on proposed legislation. Speaker of the House Newt Gingrich envisions the day when we will have a "virtual Congress" in which citizens can directly participate in House hearings, gain access to government documents on-line, and contact their representatives through electronic means. Others look forward to a time when voters will be able to cast their ballots or express their views on issues through computer networks or over the telephone, thereby eliminating the physical and procedural barriers that have limited civic participation in the past.

This vision of an "electronic democracy" is becoming more of a reality every day as an increasing number of citizens are making use of new information technologies. Over 20 million Americans already have access to the Internet through their homes, schools, or businesses, and this number is expected to grow dramatically over the next 10 years. Thirty percent of households in the United States now own a personal computer, a percentage that is projected to rise to at least 67 percent by the year 2010. Many of those without computers in their homes at that time will be able to access information networks in some other way, perhaps by simply picking up the telephone. More than half the nation's public schools are already connected to the Internet, including 9

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percent of all classrooms—three times the percentage two years ago. The federal government has launched an initiative to have every public school wired to the network by the year 2000, and many local governments and private businesses are working with the federal agencies to make this goal a reality. Public libraries and hospitals are also expanding their efforts to make computer information technology more readily available to everyone.

Campaigning on the Information Highway

The dramatic potential of the Internet as a means of communicating with voters has encouraged many candidates, party organizations, and political groups to experiment with this technology. These initial efforts offer a glimpse of what elections may be like in the future. For the 1996 presidential primary campaign, every one of the major Republican candidates established a web site on the Internet that distributes a wide array of information to voters. For example, the Bob Dole for President web site is http://www.dole96.org. Visitors can view a pictorial biography of Senator Dole, access reports on the campaign's state-by-state progress, and make use of a "Dole Library" that houses a digital archive of press releases, position papers, speeches, and video clips. The site also allows individuals to volunteer and pledge campaign contributions on-line, subscribe to an electronic newsletter, and even send personalized Dole postcards to friends and family.

Although President Bill Clinton's reelection campaign did not set up a web site during the primaries, the White House site (http://www.whitehouse.gov/) provides a substantial amount of information about the president and his administration, including transcripts of speeches, press releases, copies of government reports, and summaries of the administration's accomplishments. The White House has also established an electronic mail service and bulletin board that people can use to send messages to the president or vice president.

The contest for the White House is not the only race being run on the information highway. Many members of Congress and congressional candidates have home pages on the Internet, as do hundreds of other political leaders. Party organizations have also gotten into the act, including not only the Democrats (http://www.democrats.org) and Republicans (http://www.rnc.org), but also many minor parties such as Ross Perot's Reform Party (http://www.reformparty.org), the Libertarian Party (http://www.lp.org), and the Green Party (http://www.greens.org/usa/). Interest groups and lobbying organizations, such as the National Rifle Association, are using the Internet and other digital technologies, including flashfaxes and computer bulletin boards, to inform their members about pending legislation, rally support for issues and candidates, and promote voter feedback. The California Channel, a cable broadcast channel that televises state senate and assembly sessions, has experimented with ways of involving citizens in the legislative process using an 800-number service that allows viewers to participate in hearings by sharing their views with legislators.

These examples are just the beginning of a technological revolution that will radically transform the methods by which we conduct elections and participate in government. Unlike television advertising and other current forms of mass communication, digital communication is relatively inexpensive, allowing all persons to share their views with others and participate in the nation's civic life. While the Internet is still too new to have a major effect on the results of the 1996 elections, many experts are convinced that it will provide average citizens with a meaningful voice in the political process. Indeed, Lawrence Grossman, the former president of PBS and NBC News, has predicted that this communications revolution may lead to the creation of an "electronic republic" in which the people will become a new fourth branch of government.

Voters in the Digital Era

Digital communication offers the prospect of a more informed and involved electorate. Instead of having to rely on 30-second television ads or brief sound bites in news reports, voters can use the Internet to get copies of entire speeches, position papers, and voting records. Citizens can easily compare the candidates' positions on different issues or contrast the information provided by a candidate with information from other sources available on the Internet. They may also take advantage of one of the many web sites being developed by nonpartisan groups. One such site already on-line is maintained by the nonprofit group Project Vote Smart (http://www.votesmart.org). This site offers voters a wide array of facts on candidates and elected officials, including biographical backgrounds, voting records, and campaign finance data, as well as links to candidates' home pages, all branches of the federal government, and state government election sites. Over time, such sites will make it easy to compare the policy views of different candidates, contrast candidates' campaign pledges to their voting records in office, and track candidates' positions from election to election.

Voters in the digital era will also be able to participate in electoral politics and government in new and potentially powerful ways. In the interactive electronic democracy, people will be able to communicate directly with their political leaders, as well as with each other, through such means as electronic mail and interactive video teleconferences. They will be able to make their policy preferences immediately known to political leaders, while these officials will have the ability to respond directly to constituents' requests and solicit the advice of their supporters on important issues.

Innovative U.S. Voter Registration Programs

Depending on your state's law, registering to vote has traditionally involved filling out a form and sending it to your state elections office, city clerk's office, library, or department of motor vehicles. There has been a conscious move toward increasing voter registration, and to that end various states have begun to allow their residents to register in a variety of ways. The following is a sampling of voter registration programs that have been sponsored by some states.

Alaska For "Clip N' Mail," the state publishes instructions and registration applications in newspapers of general circulation statewide.

Arkansas Each year, Little Rock holds a state fair where voter registration booths are set up and attended by three to four registrars per day.

California For "Voter Registration Day," approximately two months prior to every statewide general election, the Elections Division of the Office of the Secretary of State, in partnership with the private sector, sponsors a massive effort to encourage registration.

District of Columbia There is a 24-hour phone line installed for registration.

Maine For "Work and Customer Vote," 30 to 40 corporations, businesses, hospitals, and restaurants are involved in providing registration cards and information to employees and customers.

Maryland Mobile vans are used to register qualified residents of Maryland in parking lots, especially near the Motor Vehicle Administration Office.

Minnesota Minnesota taxpayers receive two voter registration cards in the state income tax booklet.

New York For "The Military Voter," approximately 90 days before each general election, the New York State Division for Serviceman's Voting sends an application to every New York State member of the armed forces.

Rhode Island The state conducts voter registration drives at area grocery stores.

Wyoming The state conducts primary and election day registration of voters.

The new technologies will thus give ordinary citizens a powerful role in the decisions that affect their lives and may eventually lead to a more democratic and participatory form of government. A "wired republic" will allow citizens to take a more active role in government. Rather than relying on elected officials, party organizations, or organized interest groups to represent their ideas, people may present their own views through electronic messages that will provide legislators with immediate feedback. They can also participate in electronic town halls, where they can be linked with others to debate public issues and reach a consensus on actions to be taken. Last but not least, citizens will be able to cast their votes electronically, eliminating the need to go to a polling place. This capability should help increase turnout in elections and solve the problem of declining voter participation that has plagued the political system in recent decades.

The growth of digital technologies will also provide voters with an efficient means of initiating and considering policy proposals. People will be able to meet in cyberspace forums to discuss issues, circulate on-line petitions calling for an issue referendum, and vote on those proposals that receive an adequate number of electronic signatures to justify a public ballot. Individuals will thus have the capacity to act on issues of major public concern that legislators or government officials have failed to address.

Because large portions of the electorate will be able to participate in political life on a regular basis, the Internet and other new methods of communication offer the prospect of a more democratic political system that is more responsive to majority views. But while this is generally regarded by digital advocates as one of the most important advantages of an electronic republic, it is also a major cause for concern.

Questions About Equal Access and Motivation

If political leaders and election campaigns continue to make greater use of electronic means to distribute information, will equal access to these technologies become an increasingly important issue? While a growing share of the electorate will have access to computer information systems, a significant minority—including those living in inner cities and remote rural areas, particularly the poor and the less educated—may not. Members of these groups at present cannot afford a computer, cable television, or a digital telephone system. Will providing access through schools and libraries meet the needs of these groups?

Even if these voters have access to information, will they be able or willing to use it? At least 20 percent of the population presently lacks the basic literacy skills needed to utilize the information already available. Many others may not want to sift through the vast amount of information that will be available and thus will not use the new technologies. Still others may find the amount of material overwhelming and thus prefer to rely on information from a single group or source, instead of exposing themselves to the diverse views that will be accessible on-line. Will this lead to divisions within the electorate, creating a bloc of well-informed, computer-literate voters and a group of computer have-nots or dropouts? If so, is this a problem that needs to be addressed, at least by ensuring that all have equal

access to digital networks and electronic information?

Questions About Individual Rights and Special Interests

Even if the problems of access and voter motivation can be overcome, the vision of an electronic democracy presents issues that will force us to rethink some of the basic foundations of our political system. As noted by James Madison in the Federalist essays, one of the principles of our system of government is that popular opinion needs to be "filtered" through elected representatives to ensure proper deliberation and protect the rights of minorities. Majority opinions may often represent momentary passions or popular ideas that may infringe on minority rights or entail consequences that would not be in the nation's long-term interest. Our system of government is based on checks and balances designed to prevent such consequences. But these checks are likely to be undermined in an electronic republic. Political leaders will receive immediate feedback, essentially creating a system characterized by constant public opinion polls. Elected officials may be more hesitant to take unpopular stands and therefore less willing to defend minority interests. New technologies will require a rethinking of the current system of checks and balances to determine whether further procedural safeguards are needed to promote the public good and ensure the protection of individual rights.

Madison also warned of the dangers to free government posed by "factions"—groups motivated by particular interests rather than the public interest. In his view, one of the advantages of such a large country as ours was that it inhibited individuals with "common motives" from organizing and acting on their interests due to the problems created by geographical distance and limited communications. These barriers have steadily eroded and will be all but eliminated in an electronic republic. Emerging technology will make it easier for individuals to organize in cyberspace with others who share their interests. This will give rise to new interest groups whose purpose is to participate in electoral politics and influence legislation.

While such new forms of "community" may well expand voter choices and are therefore considered a major benefit of digital communication, they may also serve to increase the fragmentation of the electorate. For example, many interest groups, ranging from the National Rifle Association to the American Association of Retired Persons, are using the Internet and other emerging technologies to communicate with members, distribute information, and lobby Congress. Minor parties, such as the Libertarian Party, Green Party, and Natural Law Party, which have never had the resources for extensive mass media campaigning, are now capitalizing on the possibilities offered by the Internet to spread their message and recruit supporters. And this may be just the beginning. In the future, we may see broad-based organizations like the Democratic and Republican parties replaced by a whole new spectrum of political organizations, each representing a relatively narrow set of interests or views, such as a tax reform party or a group representing minority voters. It is therefore possible that the enhanced communication available in the future will increase the divisions within the electorate and make consensus more difficult to achieve. This would further complicate voter decision making and make it harder to achieve the compromise needed to build coalitions and pass legislation.

Conclusion

What effects the digital era will have on our political system may ultimately depend on the same factor that has determined its success in the past—the willingness of average citizens to participate. If much of the population chooses not to participate, then many of the problems that we have experienced in the broadcast era, such as public distrust of government, low voter turnout, and the prominence of special-interest groups, will persist. The beneficial, democratizing aspects of the new communications revolution will be achieved only if individuals use the resources to enhance their participation in politics and become more informed about government.

One step in this process is to continue the experimentation that has already begun, thereby expanding efforts to make citizens aware of the new technologies. Another important step is to encourage thinking about the changes that will accompany the digital era and the new procedures, policies, and institutions that will be needed to preserve the values of our constitutional system. This, after all, was the solution proposed by Thomas Jefferson, who wrote, "I know no safe depository of the ultimate powers of the society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion."

Resources

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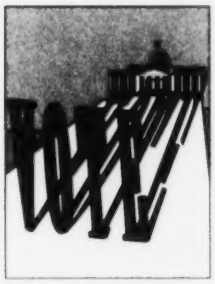

Webbing It

Experiencing an election year on the World Wide Web

Jennifer Brandsberg

Update on Law-Related Education, 20.3, 1996, p. 14. © 1996 American Bar Association.

This election year, educators are clamoring to use their newfound Internet and technological skills to get up-to-date election information and other political news for the classroom. There are so many resources available that sifting through them to find what you want has become extremely time-consuming. Also, developing meaningful learning experiences from this information presents its own set of difficulties. On the latter problem, Fred Risinger of Indiana University has a periodic column "Web Tech" on the National Council for the Social Studies home page (http://www.ncss.org/online/links/webtech.html) and a regular column "Webbing the Social Studies" in the NCSS publication *Social Studies* that explore the use of the World Wide Web as a resource for social studies teaching and curriculum development. On the former issue, the following web site and CD-ROM recommendations should cut down your search time and frustration considerably.

Project Vote Smart (http://www.vote-smart.org/campaign_96/presidential/index.html) has one of the best sites for up-to-date information on the 1996 election and for general educational information. It has links to on-line news organizations, the home pages of all presidential candidates (even the most obscure), and other sites related to the election. The project also provides background information on the major issues of 1996, and it has introductory essays on election processes. Campaign Central (http://www.clark.net/pub/ccentral/home.html) has election information and extensive links to national, state, and local government sites.

There are a number of news organizations with election coverage on the Internet. ABC News, the *Washington Post*, *National Journal*, and the American Political Network have announced the merger of their on-line political news services. The site at Politics Now (http://www.politicsnow.com) includes the political content of *Newsweek* and the *Los Angeles Times*, in addition to that provided by the above-mentioned news organizations. National Public Radio (http://www.npr.org/hotnews/election96.html) has a special site containing its election-related news stories, many of which you can listen to as well as read. MTV News: Choose or Lose (http://chooseorlose.com) and Rock the Vote (http://www.rockthevote.org) have political coverage to pique student interest in the election—including stories about the political stances of various music artists—but are not terribly meaty.

As far as interactive curriculum materials go, some software and reseller companies have CD-ROMs related to election processes and even to the 1996 election specifically. For instance, Social Studies School Service at (800) 421-4246 has a Doonesbury Election Game for Campaign '96 in which students become candidates for the presidency and run against one another. They choose campaign managers and other staff, develop strategies and ad campaigns, analyze polls, and deal with dirty tricks.

It is also worth noting that the National Council for the Social Studies has a teacher resource section on its home page that allows educators to add Internet resources they have discovered and CD-ROM suggestions. As the number of sites explodes in this new medium, it will be increasingly important to continue to share the gems with one another.

For additional teaching materials, see "Election Resources" on pages 49–52. ♦

Jennifer Brandsberg is a James Madison Fellow in the Secondary Teacher Education Program at the University of Washington in Seattle.

Voter Values

What values do people express by their votes? Ask students to write about a personal situation where their values, or the collective values of a group, influenced their action or decision. Have students conduct a community poll of adults or other students to find out what three values are most important to them in voting for or against a candidate.

On the Road With Motor Voter

How the National Voter Registration Act has significantly increased the number of registered voters in the United States

Becky Cain

Update on Law-Related Education, 20.3, 1996, pp. 15–16. © 1996 American Bar Association. *Reissued with adaptations from "On the Road with Motor Voter: The NVRA Drives Historic Voter Registration Gains," The National Voter (December/January 1996): 14–16, with permission of the League of Women Voters.*

The National Voter Registration Act (NVRA) is one law to which the adage "if it ain't broke, don't fix it" certainly should apply. In the short time since it took effect on January 1, 1995, the landmark voter registration law (known as Motor Voter) is working well. NVRA requires states to allow citizens to apply to register to vote when they obtain or renew their driver's licenses by mail and at designated government agencies, including those serving public assistance recipients and people with disabilities. Congressional passage of Motor Voter was the result of an intense, five-year lobbying effort by the League of Women Voters and others. At the May 1993 bill-signing ceremony, President Clinton hailed Motor Voter as the most recent chapter in the historic struggle to expand the American electorate.

Today, NVRA is bringing about the largest expansion of voter registration in U.S. history. Eleven million citizens have registered to vote or updated their voting address in the first year. Political experts predict 20 million citizens will register under the act by the 1996 elections. That's more than the number of Americans who registered following the ratification in 1920 of the Nineteenth Amendment, which granted women the right to vote. Registrants under Motor Voter also will outnumber those who registered after the ratification in 1971 of the Twenty-sixth Amendment, which lowered the U.S. voting age from 21 to 18.

Despite Motor Voter's immediate and immense success, however, the new law faces several potential roadblocks in Congress and in the states. In 1995, opponents on Capitol Hill proposed at least 10 legislative "fixes" that, in reality, would delay, weaken, or repeal NVRA. And members of Congress are not alone in attempting to stall Motor Voter. A handful of state leaders also resisted implementing the law. Most of them lost in court.

For the League and others that fought long and hard for NVRA, the law's bumpy road to implementation marks a new stage in the ongoing efforts to make voter registration easy and accessible to all Americans.

By the Numbers

Indeed, NVRA's numbers provide dramatic proof of the law's effectiveness. On January 1, 1995, 32 states and the District of Columbia began implementing Motor Voter. Their voter registration rates surged, averaging from three to 13 times more than in similar periods before the federal law took effect. Here are a few examples:

- In Georgia, there were 52,452 voter registrations during January 1995, compared with 85,000 registrations filed in all of 1994, which was an election year. The state predicted a million new voter registrations by the 1996 elections.
- In Florida, more than 105,000 citizens registered to vote in January 1995. That's four to five times higher than the number of registrations in January 1994.
- In Kentucky, the state board of elections reported that 18,400 people registered to vote in January 1995, compared to 3,459 voter registrations in January 1991.
- In Maine, a state that traditionally is among the national leaders in both registration and turnout, there were 25,000 voter registrations during NVRA's first six months.

According to reports compiled for the National Motor Voter Coalition, voter registration is up in all of the states implementing the law. Even states that have implemented only parts of NVRA experienced increases in voter registration.

Of the more than 11 million voters who enrolled or updated their registrations in the past year, 5.5 million registered in driver's license agencies, 1.3 million registered in public assistance agencies, and 4.2 million registered by mail. In 1995, the five states that had the highest numbers of voter registra-

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tions as a percentage of unregistered population were

- Alaska 70.6%
- Iowa 48.3%
- District of Columbia 45.2%
- Michigan 44.6%
- Louisiana 42.8%

The above represents the best test of the effectiveness of programs in increasing voter registration.

In 1995, the top five states registering the highest numbers of voters were

- Florida 1,327,431
- Texas 1,296,105
- Ohio 779,427
- Michigan 771,376
- New York 660,802

While the tremendous increase in registration demonstrates the effectiveness of NVRA, in many states the implementation of disability and public assistance programs leaves room for improvement. Agencies serving persons with disabilities registered only about 58,000 voters, while public assistance agencies signed up 1.3 million people out of a possible 5 million.

Motor Voter is making the electorate larger, more diverse, and more reflective of the American population. NVRA is helping eliminate historic discrepancies by allowing more citizens to vote—particularly young people, minorities, anyone who has recently moved, poor people, and those with disabilities. Registration rates for young people 18 to 21, for example, are expected to double.

While many people assert that the law's success is in voter turnout, a number of other factors have a significant impact on who goes to the polls and for what reason. The presence of a third party candidate may be meaningful, for example, as well as the competitiveness of the race, the issues involved, candidates' ability to communicate with the voters, and the weather. The success of Motor Voter can be measured only in the number of *registered* voters, not in the numbers of people who actually vote in any given election.

Historically, in presidential elections, people vote more often than not if they are registered. Prior to enactment of NVRA, states that had implemented registration reforms experienced a significant increase in the total number of citizens going to the polls. At the same time, because previously unregistered citizens did not turn out in the same percentages as more experienced voters, the percentage of registered citizens going to the polls decreased somewhat (this could simply be a statistical anomaly).

In addition, because citizens registered under Motor Voter are demographically distinct—and, in particular, much younger—turnout among citizens registered under NVRA should be compared to a demographically similar group of previously registered voters. Any meaningful comparison of NVRA-registered voters and others must take demographic differences into account.

The law has removed the bureaucratic barriers and cumbersome procedures that blocked Americans from registering to vote in the past. The voter registration numbers are good news for our electoral system. Voter registration is a barometer of its health, and the latest readings show that Motor Voter is making the system more vigorous.

Opposition to Motor Voter

Opposition to the law falls into two categories: legal and administrative. The court challenges mounted by the six states—Michigan, Pennsylvania, South Carolina, Virginia, California, and Illinois—that opposed the statute have, for the most part, failed (the Michigan case is still pending in a federal district court); appellate courts in California and Illinois have likewise upheld the federal law. Mississippi instituted a "dual-registration" system. Citizens registering under NVRA programs may vote only in federal elections; there is a separate registration system for state and local elections. Illinois is attempting to do the same but has already lost the first round in a state court challenge. In some states, failure to implement the law is the result of resistance by administrators to instructing subordinates about the program, of a lack of registration forms at the agencies, or of budget cuts. In 1996, New York, Virginia, and Maryland have all been challenged by Motor-Voter advocates for failure to implement registration programs at required agencies.

Road Test

One unresolved issue for political experts and others is how to assess the impact of NVRA. The only test of Motor Voter is the demand for Motor Voter. And the tremendous number of citizens who are taking advantage of the opportunity to register proves the need for this law.

There is also discussion about the potential impact on voter turnout in 1996. Will a large increase in voter registration lead to improved voter turnout? It depends on a number of factors, including how voter turnout is defined. If the *percentage of the voting age population* that actually votes in 1996 is used, then the figure should go up. But if turnout is defined as the percentage of *registered voters* who participate in the election, that number could decline. Still, more people are certain to participate in the election. Other factors—such as the candidates, their messages, and the issues—also greatly influence voter turnout.

Another concern raised about motor voter is that the law will register citizens who have little or no interest in politics. NVRA's critics claim this could lead to "more alienated and uninvolved voters" and to more people voting who don't understand the issues or the candidates. Many political incumbents find this suggested scenario disconcerting.

A recent poll taken by the League suggests that political alienation and cynicism are not deciding factors in

continued on page 18

In the Trenches for Democracy

Observing the first free elections in newly democratic countries

William B. Canfield III

Update on Law-Related Education, 20.3, 1996, pp. 17–18. © 1996 American Bar Association.

Democracy is a contact sport! So said an election observer posted to the first free presidential election ever held in Haiti. Yet for the small, committed band of American election lawyers and consultants who are asked to serve as international observers, that phrase has a very special meaning. Along the front lines and in the trenches of developing democracy in the Third World, international election observers are the forward troops who assure a watching world that a presidential or parliamentary election is truly open, free, and democratic. In many ways, the final certification that a country has joined the worldwide community of democratic nations is expressed through the reporting of election observers who have witnessed the birth of a democratic tradition at the grass roots.

Since the fall of the Berlin Wall in 1989, the world has seen a headlong rush of formerly totalitarian states to embrace free elections. In Eastern Europe, Asia, Africa, and Latin America, nations that were once closed societies with appointed, unelected governments have embraced democracy and given their citizens the right and duty to elect their leaders from among a number of candidates with differing platforms and political positions. I and a number of other election monitors and observers have been privileged to serve as the world's "eyes and ears" in an effort to make sure that the transition to democracy in these countries has been accomplished with some significant level of credibility.

What kind of people become election observers, how are they chosen, and what do they do in that role?

Since 1989, I have participated as an election observer at the first parliamentary election held in Bulgaria (1989), the first presidential election held in Haiti (1990), and, earlier this year, at the first presidential election held in Taiwan. In each instance, I represented the International Republican Institute on Foreign Affairs, which is an affiliate of the National Endowment for Democracy, a private organization funded, in part, by the Congress of the United States. While my background is that of an election lawyer in Washington, D.C., my colleagues on these three missions have come from academia, think tanks, law firms, and election-consulting organizations. The common background that united these individuals was a strong personal interest in the advancement of democracy around the globe and a commitment to offering their expertise to others who were charged with the responsibility for planning and conducting elections. Election observers generally have some practical experience in the election process, either as candidates themselves or as campaign officials or workers. Many observers also have a technical background in election administration and the technologies that have been established in the developed world to prepare for and conduct national and regional elections. But, first and foremost, an election observer needs to have a sense that democracy—the ability to choose one's leaders through the casting of a ballot—is the essence of individual freedom.

Observers are chosen to monitor elections in one of several ways. For example, in the United States, the National Endowment for Democracy is often asked by another country to supply an observation team. The NED would turn to its affiliates, the International Republican Institute or the National Democratic Institute, to supply observers known to these two groups. Each institute maintains a list of qualified and interested observers for this purpose. Other ways in which observers are selected are through a direct invitation from the host country or through an invitation extended to the U.S. Congress. Whatever the source of the invitation to participate, an observer is expected to have a background in election law or election administration and be willing to travel.

As international observers, election monitors are generally accredited by

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the host government. This facilitates the ability of a monitor to enter election facilities, including polling stations, to observe the process of voting and ballot counting firsthand. An observer's function is to certify that an election was conducted in a free and fair manner and that the results of the election can be relied on by both the citizens of the country and the international community. This mission requires observers to visit the headquarters of the various political parties and candidates participating in the election and to inspect the central election administration facilities utilized by the host government to conduct the election and count the ballots. Monitors travel throughout the country on election day, observing the process by which the election is conducted and the vote is counted. Generally, during the evening of the election or the next morning, the teams of observers in a country will write a report as to the fairness of the election.

In my experience, the actual observation of the process on election day is the most difficult and rewarding part of the mission. In Bulgaria, I visited remote villages where the last Westerner to pass by came through during World War II. In Haiti, I was present, at 4:30 in the morning, in the heart of the largest slum in Port au Prince as the polls opened and also drove to villages along the border between Haiti and the Dominican Republic where no American had ever been seen—much less one who had come to see the people freely elect their first president. While the physical obstacles to an observation mission can be daunting, the reward at the end always more than makes up for the physical hardships encountered.

I will never forget the joy of the people in Haiti and Bulgaria standing in long lines, literally for hours at a time, in a baking sun, to have the opportunity to walk into a polling station, cast a secret ballot, and participate in a democratic and free election for their leaders for the first time in living memory. That image was again brought home to me in Taiwan, where, in March, I witnessed the Chinese people, for the first time in the 5,000 years of their civilization, freely elect a president and representatives to their national legislature. The rewards far outweigh the difficulties, and observers are united in a feeling that they are making significant contributions to the growth and stability of democracy around the globe. ♦

continued from page 16

whether someone votes. Contacting citizens, encouraging them to vote, and providing them with nonpartisan information about candidates and the issues may increase the likelihood that newly registered voters will turn out on election day.

But when League members look at the same picture, they see an opportunity. The 20 million new registrants will need information—about the issues and about how and when to vote. In other words, voter registration is a critical step toward becoming involved and informed. Providing these types of citizenship lessons is what the League does best. We can capitalize on the success of NVRA by mobilizing an electorate that is larger, more diverse, and more representative of the nation than ever before. We believe NVRA gives us a head start on the road to renewing American democracy. ♦

Voter Volition

Do your students know how to mount a lobby? Ask them to identify public issues of importance to them, as well as the institution or official(s) that they will need to contact to express their viewpoints. They will then conduct research and generate drafts of a letter and presentation that they will use to lobby for their issue. Have them practice by role-playing in the classroom. Other students will provide feedback on both the letter and the presentation. Students will make necessary revisions to both before contacting public officials.

"Surely these aren't intended to apply to *politics*."

From THE WALL STREET JOURNAL—Permission, Cartoon Features Syndicate

Teaching Strategy

Who May Vote?

Mary C. Larkin

Update on Law-Related Education, 20.3, 1996, pp. 19–23. © 1996 American Bar Association.

Objectives

As a result of this lesson, students will

- List the constitutional guidelines that states must follow when deciding who may vote
- Identify typical state guidelines about who may and may not vote in elections

Target Group: Middle school students
Time Needed: 2 class periods
Materials Needed: Student Handouts 1–3

Procedures

1. Explain to students that voting is one way people make choices and express their wishes. Write the following sentence on the board: "It is important to vote because ..." Ask students to complete the sentence. Discuss responses with the class.

2. Distribute Handout 1. Tell students to read each scenario and then circle the answer that indicates whether or not they would let that person vote in the school election.

3. Post the signs YES and NO at opposite ends of the classroom. Now read each scenario from Handout 1 aloud. Ask students to stand under the sign with the answer they circled. Then ask them to explain their positions. Use the following questions to clarify students' positions.

- Shanika attends your school. She is a B student and wants to vote.
  - **a.** Will you let Shanika vote? Give your reasons.
  - **b.** Why does it matter that Shanika makes good grades?
  - **c.** Would you let Shanika vote if she was failing every subject?
- Sean attends another high school, but he knows someone running for president and wants to vote.
  - **a.** Will you let Sean vote? Give your reasons.
  - **b.** What if I said that a president represents the people who vote for him or her? What does that mean?
  - **c.** May the president of one school represent students in another school?
- Elizabeth attends your school. She is really different: her hair is green. Elizabeth wants to vote.
  - **a.** Will you let Elizabeth vote? Give your reasons.
  - **b.** Would it matter if Elizabeth was (name a race other than those of the students)? Why?
  - **c.** Years ago, African Americans and women were not allowed to vote. What do you think were the reasons given for this? Was it fair?
- Today is Peter's first day at this school. He hasn't met anyone and doesn't know who is running in the election. Peter wants to vote.
  - **a.** Will you let Peter vote? Give your reasons.
  - **b.** Does it matter that he does not know the people he's voting for?
  - **c.** Do you think people vote in elections without knowing who they're voting for?
  - **d.** How can Peter learn about the people running for office?
- Margaret attends your school. She is blind and can't see the ballot, but she wants to vote.
  - **a.** Will you let Margaret vote? Give your reasons.
  - **b.** How are you going to let her know who is running for office?
  - **c.** If you had someone to vote for her, how will you make sure that person voted the way Margaret wanted to?
- Louis attends your school. He can't read, but he wants to vote.
  - **a.** Will you let Louis vote? Give your reasons.
  - **b.** Do you think that Louis is still able to make a wise choice for president?
  - **c.** What is the difference between Louis and Margaret?
  - **d.** Do you think that people who vote in elections should be required to know how to read? Explain that literacy tests were once used in some Southern states to discriminate against African Americans.
- Kim attends your school but is at home sick. Kim won't be well before the election, but she wants to vote.
  - **a.** Will you let Kim vote? Give your reasons.
  - **b.** If you let her vote, how will you get her vote?
  - **c.** Would it matter if she missed the whole school year?

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• Jon attends your school, but he has been suspended. He wants to vote.

a. Will you let Jon vote? Give your reasons.

b. Does the reason Jon was suspended matter?

• Joby has just returned to your school from the State Training School for boys, where he spent one year for armed robbery. He wants to vote.

a. Will you let Joby vote? Give your reasons.

b. Does the fact that he committed a violent offense matter?

c. Does it make any difference that he was charged in the juvenile system, not the adult system?

4. Have groups of no more than four students work together to write rules that explain the qualifications for voting in the school elections. If students have difficulty getting started on their rules, give them the following open-ended sentence:

> Before a person may vote in the school election, the person must ...

Have a volunteer from each group record the rules on chart paper. Ask each group to share its list with the other groups.

5. Brainstorm with students a list of people they think should not be allowed to vote in elections.

6. Distribute Handout 2 and discuss the information on it. Also, paraphrase and elaborate on the information in the box below about who may and who may not vote.

7. Distribute Handout 3. Tell students to imagine that they live in the pretend state of Freedom. Using the guidelines of the Constitution and the decisions of the Supreme Court, they must tell whether the people described on the handout will be allowed to vote in the state. Ask students to identify the constitutional guideline that supports their answer.

• No. He is not 18 years old.

• Yes. She is over 18 years old, is a U.S. citizen, and has lived in Freedom long enough (over 30 days).

• No. He has been convicted of a felony.

• Yes. She is over 18 years old, is a U.S. citizen, and lives in Freedom.

• No. He is not a U.S. citizen.

• No, if Freedom is one of the states that does not allow dishonorably discharged people to vote.

• Yes. He is over 18 years old, is a U.S. citizen, and lives in Freedom. He was not convicted of a felony.

• No. She is a mental patient.

Who May Vote?

Just as students made rules about who could vote in the school election, each state makes laws about who may vote in the state. These laws are similar because all states must follow certain basic guidelines. These guidelines were set by the U.S. Constitution and by decisions of the U.S. Supreme Court.

Each state requires voters to live within that state before they may vote. Some states require voters to live there 30 days, while others only require voters to prove they live in the state. Until 1971, many states required voters to live in the state longer than 30 days. One such state was Tennessee. Tennessee required a person to live in the state for one year and in the county for 90 days before the person could vote. The Supreme Court decided that this law discriminated against people who moved to Tennessee and that 30 days is enough time to require people to live in the state before they may vote.

All states require that you be a citizen of the United States before you may vote. You are a citizen if you were born in the United States or if you were made a citizen by law.

All states allow people with disabilities to vote. The law says that polls must be usable by everyone. If the poll cannot be used by a person with a disability, the state must find another way for that person to vote. Most states have absentee ballots and curbside voting for people with disabilities.

Who May Not Vote?

Every state denies the vote to certain people. No state allows people in mental hospitals or people who the law says are mentally unfit to vote. Nearly all states deny the vote to persons who have been convicted of a felony (this does not apply to persons treated in the juvenile system). Some states deny the right to vote to the homeless, and some states also deny the vote to persons who have been dishonorably discharged from military service. The state board of elections can tell you what groups are excluded from voting in your state.

Voter Vision

What are your students' visions for American society? Have them express these visions in writing, verse, or art. Ask them to identify laws, or formulate their own laws, that will help move society toward that desired future.

Student Handout 1

Who Votes for Student Council President?

Imagine that your school is going to elect a president of the student council. You are a member of the school's election committee. Your job is to make sure that only those who are qualified get to vote. The following people want to vote. Decide whether you will let them vote. Tell why or why not.

1. Shanika attends your school. She is a B student and wants to vote.
   Yes No

2. Sean attends another high school, but he knows someone running for president and wants to vote.
   Yes No

3. Elizabeth attends your school. She is really different: her hair is green. Elizabeth wants to vote.
   Yes No

4. Today is Peter's first day at this school. He hasn't met anyone and doesn't know who is running in the election. Peter wants to vote.
   Yes No

5. Margaret attends your school. She is blind and can't see the ballot, but she wants to vote.
   Yes No

6. Louis attends your school. He can't read, but he wants to vote.
   Yes No

7. Kim attends your school but is at home sick. Kim won't be well before the election, but she wants to vote.
   Yes No

8. Jon attends your school, but he has been suspended. He wants to vote.
   Yes No

9. Joby has just returned to your school from the State Training School for boys, where he spent one year for armed robbery. He wants to vote.
   Yes No

Student Handout 2

Constitutional Guidelines for Voting

1. **Any person who votes in state elections may also vote in federal elections.**

   The Seventeenth Amendment declares that any person who votes for "the most numerous branch" of its own legislature is also qualified to vote for U.S. senators and representatives.

2. **No state may deny a person the right to vote because of his or her race or color.**

   The Fifteenth Amendment says that no state may deprive any person of the right to vote regardless of race, color, or previous condition of servitude.

3. **No state may deny a person the right to vote because he or she is a female or a male.**

   The Nineteenth Amendment forbids states from depriving a person of the right to vote because of his or her sex.

4. **No state may deny the right to vote to a person who is at least 18 years old because of his or her age.**

   The Twenty-sixth Amendment states that citizens 18 years old (or older) may vote. This amendment does not prevent a state from allowing citizens younger than 18 years old from voting. The amendment does prohibit states from setting a maximum voting age.

5. **No state may require a voter to pay a tax before voting.**

   The Twenty-fourth Amendment eliminates the poll tax. The poll tax began in Florida in 1889 and spread to 11 Southern states as a way to discourage African Americans from voting.

   For many years, in many states, there was a literacy requirement for voting. This requirement was also used to prevent African Americans and other groups from voting. The first literacy requirement was adopted in Connecticut to limit the voting rights of Irish Catholic immigrants. Congress banned all literacy tests in the Voting Rights Act of 1970.

Student Handout 3

Voting Freedom

Imagine that you live in the state of Freedom. Freedom is a state within the United States, so you must follow the guidelines of the Constitution and the decisions of the Supreme Court. Based on these guidelines, decide whether the following people may register to vote in Freedom. Give your reasons.

1. Mr. O'Brien is a 16-year-old U.S. citizen who has lived in Freedom all of his life.
Yes No
Reasons:

2. Ms. Bond is a 30-year-old U.S. citizen. She has lived in Freedom for six months.
Yes No
Reasons:

3. Mr. Zimmer is a 30-year-old U.S. citizen who lives in Freedom. He was just released from prison after being convicted of kidnapping.
Yes No
Reasons:

4. Mrs. Kulski is an 80-year-old citizen who lives in a nursing home in Freedom.
Yes No
Reasons:

5. Mr. Giroux is 50 years old. He moved to Freedom from France several years ago. He is not yet a U.S. citizen.
Yes No
Reasons:

6. Ms. Blue is a 25-year-old citizen who lives in Freedom. She was dishonorably discharged from the Army.
Yes No
Reasons:

7. Mr. Olsen is a 42-year-old citizen who lives in Freedom. He was convicted of shoplifting a pair of jeans.
Yes No
Reasons:

8. Ms. Rosen is a 21-year-old citizen who is a patient at Freedom State Mental Hospital.
Yes No
Reasons:

Perspectives on Voting and Education From the Clinton/Gore '96 Campaign

The Importance of Voting

President Clinton has said many times in many places that in America we do not have a person to waste. He believes that the beginning of honoring that pledge is making sure that the franchise is extended to and used by every eligible American. By signing the National Voter Registration Act ("the Motor Voter Bill") on May 20, 1993, President Clinton has made voting easier for more than 11 million Americans. He is grateful to all the young people across this nation, especially Rock the Vote, who worked with him to fight for the Motor Voter Bill.

The Motor Voter Bill is the most recent chapter in America's history of extending the vote to women and minorities, people with disabilities, and the young—with the power to affect their own destiny and our common destiny by participating fully in our democracy. When blacks and women won the right to vote, when America outlawed the poll tax and literacy test, when the voting age was lowered to 18, and when finally we recognized the rights of disabled Americans—all of these were achieved because the forces of change overcame the forces of intolerance and indifference.

President Clinton believes that it is the right of every American to vote. It is also our responsibility. We cannot expect something for nothing, whether it is from our government or from each other. He is urging all Americans to take more responsibility not only for ourselves and our families but also for our communities and our country. The future is not an inheritance; it is an opportunity and an obligation. It is something every generation has to make, not for themselves individually but for their generation, for their community, and for the larger community that is America.

Education and Citizenship

President Clinton's vision of what our American society should be is a collection of people who believe that by working together they can raise better children, have stronger families, have more meaningful lives, and have something to pass on to the next generation. We cannot care only about our individual economic and material self-interest.

Meeting our common challenges as Americans is also the purpose of education. It is about making connections and mastering the complexities of the world. It is about seeing the world as it is and advancing the cause of human dignity. It is not just about learning new facts, new skills, or new technology. Money without purpose leads to an empty life. Technology without compassion and wisdom and a devotion to truth can lead to nightmares.

Education is the work of our young people, but it is also the work of America's future. All of these concerns come together in education because school is where our people can learn the skills they need to pursue their dreams, especially now when knowledge is more important than ever to our future. School is also the place where our nation's fundamental values taught by parents are reinforced by teachers—values such as responsibility, honesty, trustworthiness, hard work, caring for one another and our natural environment, and good citizenship.

President Clinton is doing all he can to give young people the opportunity to make the most of their lives—with a stronger economy, greater educational opportunity, a cleaner environment, and safer streets. But he is also asking them to think about their responsibility as individual citizens in making sure that, as we move into the next century, everyone has the opportunity to live up to his or her dreams.

Democracy is a promise for each of us to keep, a promise to be American in the best sense of the word; to be citizens, not spectators; to do the best we can in our families, our jobs, our communities; to shoulder the burden of responsibility. That was the promise our founders made more than two centuries ago. To keep that tradition, we must be believers and builders. And so must we be every day, right now, today. Let us resolve to do it. ♦

Source: The Clinton/Gore campaign office. To contact this office, write Clinton/Gore '96 Campaign, P.O. Box 19300, Washington, DC 20036-9300, (202) 331-1996; http://www.cg96.org FAX (202) 496-4849.

143

Perspectives on Voting and Education From the Dole/Kemp Campaign

The Value of Participation

Senator Dole has recognized that this summer our nation celebrated the silver anniversary of the Twenty-sixth Amendment to the Constitution. This amendment granted the right to vote to citizens 18 years old and older. During the 1960s, young Americans rallied for the right to vote. They noted that if they were old enough to be drafted and to fight for their nation, they were certainly old enough to have a voice in government. In July 1971, during President Nixon's administration, the Twenty-sixth Amendment became a part of the Constitution. The amendment is the recognition that young Americans have the right and responsibility to exercise the franchise.

As the Republican National Convention met in August 1996, it began a nationwide youth campaign called "Make a Difference ... Lead the Vote." The campaign recognized the importance of including youth in the political process. It also acknowledged that statistics show fewer young people vote than members of other segments of the population. To help reverse this trend, the campaign challenged young adults to become active in their communities and to make a difference with their vote.

Because today's young voters will lead this country into the twenty-first century, the Republican National Convention has made a concerted effort to involve the youth of America in the political process. Young pages had the opportunity to participate in the convention from gavel to gavel as they assisted delegations from the opening session through the nominating process.

On August 15, 1996, the first Young Voters Convention became a vital part of the national convention. This important session offered a forum for young voters to express their views. Through the town hall format, young voters took the podium and interacted with party leaders as they addressed issues important to the youth of America. At the same time, 55 young people from across the nation communicated with leaders through on-line linkups.

The unprecedented inclusion of young people in the convention will be extended throughout the campaign. All Americans have a stake in the future of the country, and they can help direct that future by participating in the 1996 presidential elections.

The Importance of Education

Because he recognizes that youth participation in the political process is essential to the American democracy, Senator Dole acknowledges the importance of education in preparing young people for their roles as individuals, consumers, providers, and citizens. To help all young people prepare for their adult responsibilities, the senator has proposed an "Education Consumer's Warranty." This warranty would help ensure the best possible education for all young people. It provides that all children must be permitted to

- Attend a safe school.
- Be free from educational malpractice at the hands of bad schools, incompetent teachers, timid principals, and intrusive bureaucrats.
- Find out exactly how well they and their schools are doing in terms of achievements in relation to how well they *ought* to be doing.
- Learn the three R's through proven methods.
- Learn the nation's history and democratic values and study the classics of Western civilization.
- Attend a school that is free to innovate and isn't tied down by federal red tape.
- Be confident that their high school diploma signifies a solid education, suitable for further education or a good job.
- Choose a school that is right for them.
- Know that their tax dollars are reaching the classroom, not being siphoned off into overhead and bureaucracy.
- Count on being able to arrive at college prepared to do freshman-level work.

The youth of America is a primary concern of Senator Dole. By focusing on education and including young people in the political campaign and convention, Senator Dole is recognizing the importance of the youth of America—as contributors to the American democracy today and in the future. He urges them and all Americans to help direct the nation by exercising their right to vote. ♦

Source: Dole '96 Online Campaign: http://www.dole96.com. To contact the Dole for President office, write Bob Dole for President, 810 First Street, NE, Suite 300, Washington, DC 20002, (202) 414-8050.

Regulating U.S. Campaign Contributions

Difficulties with federal election laws

Trevor Potter

Update on Law-Related Education, 20.3, 1996, pp. 26–27. © 1996 American Bar Association.

Since the founding of the United States, the financing of election campaigns has become both more important and more controversial. In the nation's early years, campaigns were generally inexpensive and operated largely without government regulation. Candidates and parties offered food and drink to recruit and reward supporters and created newspapers to spread their views. Unlike today, the money spent for these activities was not reported to the public, and campaign leaflets by anonymous authors flourished. Nor did candidates or parties need to reveal the sources of their funds. Of course, that was a different time—the nation was much smaller, people were not as mobile as they are today, and voters often knew candidates personally or could attend their events, hear them speak, and ask them questions.

The first federal campaign finance laws were passed by Congress in the early 1900s. These laws were in response to the growth of corporations and large "trusts," the corresponding power of their political contributions, and the advent of similar union activity in campaigns. Reformers argued that the ability of large corporations to contribute to candidates gave these corporations an unfair advantage over individuals and might be used to purchase influence over elected officials. In 1907, Congress passed the first ban on corporate spending in federal elections, known as the Tillman Act. (Congress also enacted a ban on labor union spending in federal elections, but not until the 1940s.)

Over the years, Congress enacted additional federal laws regulating money in federal elections (which include campaigns for the House of Representatives, the Senate, and the presidency). Most of today's campaign financing laws were enacted as a reaction to the Watergate scandal. That scandal began with a break-in at the Democratic Party's national headquarters but grew to include revelations of large hidden campaign contributions (including prohibited corporate money) and allegations of the sale of government positions and decisions. The Watergate scandal led to calls for greater disclosure and strict limits on campaign contributions and expenditures.

Federal vs. State Roles

Regulation of the financing of state elections (for governors, legislators, etc.) remains with the states. Local laws may establish additional rules and regulations for local candidates (i.e., mayor or county supervisor/commissioner). Elections themselves (voter registration, the preparation of ballots, voting places, maps, etc.) have also traditionally been governed by state law. Recently, Congress passed a law, known popularly as "Motor Voter," that for the first time required states to distribute registration forms along with other government services such as driver's licenses to make it easier for citizens to register to vote. Congress and the federal courts have also historically played a large role in protecting the rights of all individuals to register and vote.

Federal Limits

Under the present federal campaign finance system, individual candidates (with some assistance from political parties) are responsible for raising and spending the money needed to communicate with voters and win elections. Individuals may contribute up to $1,000 to a federal candidate per election. Corporations and labor unions

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may not give their own money to candidates, but are permitted to raise funds for political action committees (PACs). That money may be used in federal elections. Individuals may give up to $5,000 per calendar year to PACs, and these committees are limited to making contributions of $5,000 per candidate per election. Other political committees are formed by groups seeking to gain support for an issue. For example, groups on both sides of the abortion and gun control issues have formed PACs to give contributions to candidates.

Presidential campaigns are governed by a complicated set of rules and are the only federal elections with some public financing. In a primary election, candidates receive funds from the government in an amount matching the private contributions they raised. Republican and Democratic nominees each receive over $60 million of taxpayers' money for their general election campaigns. To receive these funds, however, candidates must comply with expenditure limits for the primary (applied both overall and state by state) and general election expenditure limits. Furthermore, presidential candidates in the general election may not accept any private contributions, so neither individuals nor PACs may contribute to a general election campaign for president (although they may contribute to party committees).

Political parties receive separate treatment under federal election laws, in recognition of the important role that political parties play in the electoral process. For example, an individual may contribute up to $20,000 to a political party in a calendar year, and parties have much higher limits on the amounts they may contribute to their candidates. These federal limits apply only to parties' "federal" committees because state campaigns are governed by state law.

Third parties may not qualify for public funding for their presidential candidates until *after* they have received at least 5 percent of the vote in a presidential election.

"Soft Money"

Many states' campaign finance rules allow corporations and unions to contribute directly to candidates or political party committees. This has encouraged individuals, corporations, and unions to contribute to party committees in those states, or to the nonfederal accounts of national party committees. These contributions, commonly called "soft money," may not be used directly for federal elections but may be used for voter registration, "get-out-the-vote" drives, and other "party-building" activities that benefit all of the party's candidates, whether for federal or nonfederal office.

Not every expenditure of money involving a federal candidate is regulated by federal election laws. For example, if a group of people pool their money and produce and run a television advertisement urging voters to elect Bob Dole as president, that group is legally considered a "political committee" that must register with the Federal Election Commission, raise money under the federal rules, and report its receipts and expenditures periodically. If, however, the same people produce and run an advertisement thanking President Clinton for his veto of product liability reform and urging callers to contact him and ask him to oppose the bill in the future, the group may not be a federal committee and may not need to comply with any federal campaign finance rules. This may be so even if the advertisement is completely complimentary of Clinton, and even if the advertisement runs the week of the election.

The difference between the two advertisements is that one "expressly advocates" the election of a federal candidate, and the other does not. If an advertisement (or any other use of money) contains words expressly advocating the election or defeat of a particular candidate, using phrases such as *vote for, vote against, elect,* or *defeat,* the advertisement—and all the activities involved in its production—must comply with federal election laws. If the advertisement doesn't contain express advocacy, then it is issue advocacy speech protected by the First Amendment of the Constitution and need not comply with federal election laws. The Supreme Court developed this standard to protect free speech from being overly burdened by campaign finance rules. As a result, groups increasingly produce advertisements during an election year that discuss controversial issues on which candidates have taken positions but craft these advertisements so that they fall short of "express advocacy."

Federal campaign finance law is increasingly marked by distinctions such as these, as Congress and the Supreme Court attempt to balance the free speech rights of individuals and groups with the desire to regulate and require disclosure of the money spent to elect members of Congress and the president. ♦

Voter Voice

Many Americans don't realize the power of their "voting voice." Have students investigate the powers that voters have in their state, or invite a public official to explain these powers to the class. For example, are initiatives and referendums permitted? If so, what are the laws governing their use? What are some recent examples? What are the laws regulating the recall of public officials? When and how have these powers been used in your state?

Congressional Districting: A Historical Overview

Malapportionment, gerrymandering, and the challenges to fair voting districts

Jan Witold Baran and Jason P. Cronic

Update on Law-Related Education, 20.3, 1996, pp. 28–30. © 1996 American Bar Association.

Every state in the Union is represented by at least one member of the House of Representatives. The U.S. Constitution, however, does not explain how these representatives are to be elected. Since the beginning of representative democracy in the United States, Congress and, later, the courts have struggled to determine what is fair with respect to how voters are represented through the various elected bodies that govern them.

When Americans first began to elect their congressional representatives, they did so in a variety of ways. Some states were divided into districts, and citizens of each district elected one (or sometimes more than one) representative to the U.S. House. Other states opted to have all their representatives elected from all over the state, not using districts at all. Eventually, all states began using single-member districts to select their congressional representatives. There were, however, two distinct difficulties in using such districts—malapportionment and gerrymandering.

Malapportionment concerns districts that are not fairly sized. Districts are usually created, or "apportioned," based on their population. If districts contain different numbers of people and yet each district still elects only one representative, then the votes of people in a less populous district are worth more than those of the people in a more populous district. Consider a state with one large city and much sparsely populated farmland. If the city were one district and the farmland another, a single vote by a farmer would be more influential than numerous votes by city dwellers. Thus, the size and population of districts have to be carefully considered when shaping the districts.

Gerrymandering describes the practice of designing districts to reduce or enhance a particular faction's political power. In 1812, a politician in Massachusetts named Elbridge Gerry represented a district that was created to include his supporters and exclude his enemies, and the resulting shape of that district reminded some observers of a lizard or salamander. Thus, the term *gerrymander* was coined to describe deliberately creating districts so that they are easier for particular representatives to win.

Malapportionment and gerrymandering have not been confined to congressional districts. State legislatures also rely on district-based elections and similarly confront the problem of what constitutes a fair district. Controversies over districts thus have historically been federal and state problems.

It may seem obvious that districts should contain roughly the same number of people and not be drawn so that specific politicians can always win elections in them. Nevertheless, malapportionment and gerrymandering were widespread until the 1960s primarily because the legislators themselves were responsible for designing the voting districts. After all, they had little incentive to alter the districts that had elected them.

Courts Take a Role

During the 1960s, the courts began to play a major role in defining districts. Until that time, the U.S. Supreme Court had treated disputes over electoral districts as "political questions," meaning that they were not the sort of disputes that the courts should resolve, being political rather than strictly legal in nature. The Court's refusal to act on districting issues, however, was often criticized because even questions of pure constitutional interpretation often seem to be highly political. Consider the "separate but equal" doctrine applied by the Court in the context of racial segregation. Clearly, that had

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enormous political overtones, yet the Court did not hesitate to uphold the doctrine in the infamous *Plessy v. Ferguson*, 163 U.S. 537 (1896), decision, nor to declare it unconstitutional years later in *Brown v. Board of Education*, 347 U.S. 483 (1954).

The Supreme Court ceased to consider districting issues as political questions when it decided *Baker v. Carr*, 369 U.S. 186 (1962). There, the issue focused on the apportionment of the Tennessee legislature, which had not been reapportioned in over 60 years, despite significant changes in population throughout the state. The Court determined that the constitutional right to equal protection under the law, guaranteed by the Fourteenth Amendment, protected citizens from "debasement of their votes" through malapportioned districts.

In reaching this conclusion, Justice Brennan in *Baker* ruled that political questions were limited to "the relationship between the judiciary and the coordinate branches of the Federal Government, and not the federal judiciary's relationship to the States. ..." Justice Brennan thus chose to limit the political question doctrine to separation of powers conflicts and held that the doctrine does not prevent the Court from acting in districting disputes. A concurring opinion to Justice Brennan's majority opinion specifically recognized that a fair reapportionment was unlikely without judicial intervention, as only the legislature could reapportion the district, and all of its members had a vested interest in keeping the apportionment that had resulted in their election.

After the Supreme Court ruled in *Baker* that it could decide apportionment questions, it was faced with the difficult task of determining *how* those questions would be resolved. A series of challenges to district apportionment ensued. The most important of these challenges was *Reynolds v. Sims*, 377 U.S. 533 (1964). Similar to the facts in *Baker*, the case involved a challenge to the Alabama legislature, which had not been reapportioned for years and had some districts with over 40 times the population of others.

One Person, One Vote

The Court struck down the Alabama apportionment scheme, again relying on equal protection grounds, but this time articulating a guiding principle regarding apportionment: "[T]he conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth, Seventeenth and Nineteenth Amendments can mean only one thing—one person, one vote."

The Declaration of Independence and the Gettysburg Address had expressed general notions of equality. The Fifteenth Amendment (extending the right to vote to citizens regardless of race), Seventeenth Amendment (providing for direct election of senators), and Nineteenth Amendment (extending the right to vote to women) made it clear that equality applied in the context of voting rights. The commitment to these ideas produced "one person, one vote" as a guiding principle with respect to apportionment.

According to the Court in *Reynolds*, "one person, one vote" meant that districts must be "as nearly of equal population as is practicable," but this did not necessarily mean that districts had to be created with mathematical precision. Rather, "so long as the divergences from a strict population standard are based on legitimate considerations" such as compactness, keeping political subdivisions together, and preserving identified communities of interest, some deviations could be tolerated. *Reynolds* thus recognized that a state must make an honest and good-faith effort to create districts "as nearly of equal population as is practicable," but that absolute equality was a "practical impossibility."

Ultimately, deviations were tolerated for certain political boundaries at the state level, but not even as much as 0.7 percent was permitted for congressional districts. The Supreme Court refused to allow minimal variations in U.S. House districts if states were unable to show why more precise results could not be achieved using the best available census data. The Court did indicate, however, that certain consistently applied legislative policies might justify some variance, including making districts physically compact, respecting municipal boundaries, preserving the cores of prior districts, and avoiding contests between incumbent representatives.

In the aftermath of *Reynolds*, an intense but ultimately unsuccessful effort was launched to overturn the principle of "one person, one vote" by constitutional amendment. The most widely supported proposal would have permitted one house of a state legislature to be apportioned on a basis other than population, if a majority of a state's voters approved the plan. But all amendment efforts failed, and implementation of "one person, one vote" proceeded throughout the country. By the end of the 1960s, most state legislatures were reapportioned in accordance with the constitutional standard.

Although judicial action may have effectively addressed malapportionment, gerrymandering exists today. Some scholars argue that gerrymandering, at least in certain circumstances, is beneficial to voters. For example, it has been suggested that some districts should be designed to have a majority of African-American or Hispanic voters so that those minorities are guaranteed a minority representative. Determining when, if ever, districts may be drawn with reference to factors other than population has been a difficult topic for the Supreme Court.

District Shapes

As with malapportionment, the Court was confronted with the argument that political gerrymandering presented a political question that it should not resolve. The Court rejected this idea in *Davis v. Bandemer*, 478 U.S. 109

148

(1986), reasoning that political gerrymandering claims were, at bottom, no different from malapportionment claims in that they were based on the adequacy of representation that citizens received for their votes. Thus, the Court could consider the legitimacy of the shapes of districts, in addition to their apportionment. This did not mean, however, that the Court necessarily would strike down districts drawn for particular purposes.

In fact, in *Davis*, the Court sustained an Indiana redistricting plan that had produced a Republican majority in the state legislature, despite the fact that Democrats had received more than 50 percent of the total votes cast in the election. The Court rejected the idea that the failure of a districting plan to yield representation proportional to the number of votes cast for each political party was unconstitutional. Simply because Democrats received the greatest proportion of votes did not mean they were entitled to the greatest proportion of legislators. The Court concluded that a districting system is constitutional as long as it does not "consistently degrade a voter's ... influence on the political process as a whole" by repeatedly creating a lack of political power or a denial of fair representation to a particular group.

Thus, gerrymandering based purely on political considerations will not necessarily be invalidated. This is consistent with the Court's long-held view that political decisions are inherent in any districting scheme. As the Court observed in *Gaffney v. Cummings*, 412 U.S. 735 (1973), "[I]t requires no special genius to recognize the political consequences of drawing a district line along one street rather than another. ... District lines are rarely neutral phenomena. They can well determine what district will be predominately Democratic or predominately Republican, or make a close race likely. ... The reality is that districting inevitably has and is intended to have substantial political consequences. It may be suggested that those who redistrict and reapportion should work with census, not political, data, and achieve population equality without regard for political impact. But this politically mindless approach may produce, whether intended or not, the most grossly gerrymandered results. ... [W]e have not ventured far or attempted the impossible task of extirpating politics from what are the essentially political processes of the sovereign States."

Thus, the Court has recognized that there will be political victors and casualties, however district lines are drawn. Only when drawn intentionally to minimize a particular group's voting strength, however, is a gerrymandered district unconstitutional.

A prime example of such a plan was *Rogers v. Lodge*, 458 U.S. 613 (1982), in which the Court considered a system for electing county commissioners in Georgia. The election system involved a countywide race with a single, at-large voting district. Although this system seemed reasonable on its face, no African American had ever been elected to the county commission in the history of the voting system. Although this fact in itself would not have made the scheme illegal, further investigation showed that there was a history of racial discrimination against African Americans and that the county board was not responsive to the needs of African Americans —in short, the system had been *intentionally* maintained to dilute African-American voting strength. Accordingly, the Court struck down the county's voting system.

Intentional Manipulation Not Tolerated

The Supreme Court in *Rogers* made it clear that intentional manipulation of voting schemes to diminish minority voting strength would not be tolerated. The Court has also considered voting schemes designed to increase minority voting strength and has likewise found them improper. In the recent cases of *Miller v. Johnson*, 115 S.Ct. 2475 (1995) and *Bush v. Vera*, 116 S.Ct. 1941 (1996), the Court ruled that when the legislature is predominately motivated by race in drawing district lines, the districts must be subjected to strict judicial scrutiny. Such scrutiny requires the state to show that it had a compelling interest to draw the lines the way it did and that its districting plan was narrowly tailored to advancing the compelling interest. In these cases, the states contended that they had a compelling interest to comply with the Voting Rights Act of 1965 and to remedy past racial discrimination in voting, and that the districts under challenge were necessary to accomplish those goals. The Court ruled, however, that because the districts at issue were bizarrely shaped and did not follow traditional districting principles—such as compactness, contiguity, and respect for political subdivisions—they were not narrowly tailored to achieving any compelling governmental interest and thus were unconstitutional. Although the Court has not precluded the possibility of race-based districting altogether, it stressed in *Bush* that American society must "eliminate unnecessary and excessive governmental use and reinforcement of racial stereotypes." It is therefore highly unlikely that using race as a determining factor in drawing districts will be permitted in the future.

As the previous discussion shows, drawing proper districts for federal and state representatives is not an easy matter. Determining who votes together and how their votes are counted raises many complex questions that often require judicial intervention to resolve. Although it is clear that many such questions remain, it is also clear that the concept of "one person, one vote" is a fundamental constitutional requirement and that any plan that deliberately discriminates against a group of people will not be tolerated. It is likely that these guiding principles will be the basic tools used to resolve future districting questions. ♦

Social Barriers to Voting

Youth, apathy, and other factors that may keep people from voting

Pauline A. Schneider

Update on Law-Related Education, 20.3, 1996, pp. 31–33. © 1996 American Bar Association.

Will you vote? And if not, why not? Being a landowner is no longer a requirement, women may vote, poll taxes have been abolished, the voting age has been lowered to 18, and registration may be accomplished when obtaining a driver's license. But Americans do not flood to the polling places each time there is an election. Many fail to exercise their right to decide who is to represent them for the next two, four, or six years as their spokespersons in city councils, mayors' offices, governors' mansions, state assemblies, the House of Representatives, the Senate, or even the White House.

In the November 1994 national elections, 85 million Americans reported that they had voted, representing 45 percent of the 18-years-and-over population. 1994 was an off-year election, with the candidates running only for the House of Representatives (elected or reelected every two years) and the Senate (one-third of the seats are up for grabs at two-year intervals for six-year terms). In 1992, the last time a U.S. president was elected, the voter turnout rose to 61 percent, according to the U.S. Census Bureau. Contrast that to a 94 percent turnout in Italy, which has a parliamentary system (the reigning government falls if its leader fails to obtain a majority vote in the national legislature—a "no confidence vote," as it is called) that has necessitated a new election at least every year since the end of World War II. Frequency of voting does not mean respect for the system, however. Only 3 percent of the Italians respect their political system, vis-à-vis 85 percent of the Americans who approve of the U.S. election system (Wolfinger 1991).

So Americans like the system but don't use it. Some statistics: In November 1994, voter turnout was 47 percent of whites, 37 percent of African Americans, 19 percent of Hispanic Americans, and 18 percent of Asian Americans. These figures represent percentages of the total populations, both citizens and noncitizens, within each group. Those numbers are deceptive. The Census Bureau estimates that the percentage of American citizens (those legally allowed to vote) who went to the polling places in 1994 was actually 48 percent, with no change in the percentages for whites or African Americans, but with an increase to 34 percent for Hispanic Americans and 41 percent for Asian Americans.

A few more 1994 statistics: Only 20 percent of all eligible voters of all races between the ages of 18 and 24 participated in the election. There was no overall difference in the turnout rates between men and women, although women 18 to 44 outperformed men of similar ages by 36 percent to 34 percent, and men 65 years and older outpaced women of similar ages by 66 percent to 57 percent. In the middle, men and women 45 to 65 tied at 56 percent (U.S. Census Bureau 1995).

These numbers cannot be characterized as a statistically relevant sampling, but provide a reasonable starting point. Extrapolating from that data, it seems that whites are most often likely to vote, followed by Asian Americans, African Americans, and Hispanic Americans. Older persons are much more inclined to vote than the under-25 crowd, and the percentages of men and women who cast their ballots are virtually identical.

Youth

Barriers to voting vary among age, social, racial, and economic groups. Younger people, for instance, are often too busy to be bothered or feel they have little or no stake in the outcome of an election. There is school to attend, tests to take, work to be completed, money to be made, and parties in the offing. There is simply no time to vote, particularly if there is a line at the polling station. This is the "barrier" of inconvenience, of not caring enough to make the effort. Put another way, this is the difference between being a "party animal"—or for the first time in one's life, making a few good bucks—and being a political participant. Younger people also often

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express the view that it does not matter who is in office, since what politicians do has little direct impact on their lives. This attitude is changed, to some degree, by marriage, a mortgage, children, taxes, and all of the residuals that accompany those lifestyle milestones. Interest grows as the ways in which political decisions affect one's life increase; a vote becomes more important.

Apathy

Apathy remains a significant determinant in voting decisions. People become bored, alienated, or mistrustful of politicians. They may see no real differences between the two political parties—which is, in part, why Ross Perot did well in 1992, since he was seen as an alternative. Closer to home, there has always been the maxim "You can't fight City Hall." Or the once-famous Chicago machine slogan "Vote Early and Often." These sometimes ingrained attitudes give rise to the feeling that a vote (one vote) means nothing.

It is not exactly one vote by a single individual in a general election, but one vote per precinct gave John F. Kennedy the presidency in 1960, and one vote per precinct in California made Harry Truman the president in 1948. The Selective Service Act passed in Congress by one vote in 1939, and one vote gave Adolf Hitler the leadership of the Nazi party in 1923. One vote saved Andrew Johnson from impeachment in 1868; one vote brought Texas into the Union in 1845; and one vote gave the United States the English language instead of German (American Bar Association 1996).

Votes count, one at a time, and the apathy syndrome is best overcome by the philosophy that, if someone else does not vote in an election, the person who does vote has more influence. When only half the eligible voters go to the polls for an election, those who do vote have doubled their power.

Language

Americans speak many languages, and if we are to have informed voters, we must communicate with them in a language they understand. The words on a ballot are not so important as those spoken before election day. How does a potential voter judge a candidate whose speech cannot be understood? How does, say, a Spanish-speaking voter make an informed decision as to who should hold whatever office if the issues are presented in English, even if the ballot is in Spanish? There is an underlying premise in the American democratic process that voters know what they are doing, at least part of the time. Faced with a confusion of terminology, potential voters who are not proficient in English may be overwhelmed by incomprehensible words to such an extent that they avoid the voting booth.

Education

Education is another factor in voting trends. More educated persons vote more often than those with less schooling. Only 23 percent of those who never attended high school voted in 1994, compared to 40.5 percent of those with a high school diploma. These percentages rose to 49 percent for persons with some college and to 63 percent for those with four or more years of higher education. The barrier in this instance is one of knowledge—the more people know, the more apt they are to vote because they realize the importance of having some influence on the political system. In a free society, the most important way to change these percentages is to encourage people to stay in school.

Poverty

Poverty has an adverse impact on voting. A mere 28 percent of the unemployed voted in 1994 versus 45 percent of persons employed by private companies, 53 percent of the self-employed, and 63 percent of those employed in government. The unemployed mostly felt they had nothing to lose by not voting. Employees of private firms split, with more persons owning companies voting because they felt the need to be on top of the political situation. Government employees expressed a vested interest in voting: they are electing their bosses.

Minority Disincentives

Race, ethnicity, gender, and sexual orientation also often play a part in election campaigns. When a candidate for national office appears in slick television spots accompanied by a wife, three children, and a dog against a suburban backdrop, some minorities may be turned off. When candidates use terms that can be read as code words for minority inclusion or exclusion, potential voters may decide to sit out an election. A basic fact of voting is that candidates typically must obtain a *majority* of the votes cast and, if they do not need the votes of a minority population, they often ignore them. This can have the effect of alienating groups that are not targeted by a campaign manager, and so they have little incentive to vote.

Polls

Election year polls are popular with the media. They tell us, at a given moment, who is ahead and by how much, based on a statistical sample of prospective voters. The wording of the questions presented often has a definite effect on the replies, but the process has become sophisticated enough to give polls credibility. The trouble with this census taking of public opinion is that it sometimes discourages people from voting if they think that their favorite candidate is 30 percent ahead or 30 percent behind. Why bother? He or she is going to win or lose in any event. Exit polls taken during the 1980 presidential election showed Ronald Reagan as the winner, based on the results in the Eastern and Central time zones. Many voters in California who learned of his lead

stayed home—to the detriment of a number of local candidates.

People on the Move

Another factor in not voting is that Americans are very mobile. Some 20 percent of potential voters do not have the same address from one year to the next, and one-third move every two years. In 1980, 48 percent of people who had not lived in the same place for two years reported that they voted, compared to 65 percent who had stayed put longer. The discrepancy has nothing to do with being interested, informed, or attentive to the political process. Many of the people who moved simply had not gotten around to registering in their new location. The longer people live at one address, the more likely they are to vote. When people move, many tasks are more important than registering to vote and, because half of all moves take place during the summer, with most elections occurring in the fall, people may have only a month or so to register.

Italy, with its high voter turnout, has an automatic voter registration system that is not affected by moving from one place to another. The Italian government also provides subsidized train tickets to persons wishing to return to their place of registration in order to vote. As would be expected, this means that elections provide an opportunity for many Italians to go home and visit with their families or old friends.

Conclusion

Registering to vote may not assure that an individual will go to the polls, but it certainly helps. People under the age of 25 will, if registered, vote at the same rate as those who are 55. Even people who profess to have no interest at all in politics will, if registered, vote at a 74 percent rate in a presidential election (Wolfinger 1991).

One final barrier: It may be citizens' civic duty to vote, and they may adamantly favor a candidate and want to show their support for that individual but refuse to register because the state or locality in which they reside draws its slate of jurors from voter registration lists. Jury duty, while welcomed by some, is a nuisance for people who are already too busy at the office, inconvenienced by transportation, or bored by the thought of going through what they consider to be an ordeal. That is another civic duty, but it is also another story.

Resources

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Electing a President

Popular Vote

Every four years on election day, Americans go to the polls to cast their votes for president. They can choose a candidate from one of the major parties, select a third party candidate, or write in their choice for president. When the polls close, the votes are counted. Most people think that whoever wins the vote of the people, known as the *popular vote*, wins the election. This has not always been the case.

Electoral College

When Americans vote for the president, they are actually voting for delegates to the Electoral College. The Electoral College, a group of 538 persons from the 50 states and the District of Columbia, chooses the president. Each state has the same number of delegates as it has representatives and senators in Congress. The District of Columbia has 3 Electoral College delegates. In December following a presidential election, the members of the Electoral College cast their votes for president. Today if a presidential candidate receives at least 270 electoral votes, he or she is the president-elect.

John Q. Adams vs. Andrew Jackson

Most often, the candidate who receives the most popular votes becomes president. However, candidates who did not receive the most popular votes have been chosen president in the past. In 1824, Andrew Jackson won the popular vote over John Quincy Adams, the second leading vote getter. When the Electoral College voted, Jackson received 99 electoral votes; Adams, 84; William Crawford, 41; and Henry Clay, 37. Because none of the candidates had a majority (more than half) of the electoral votes, the House of Representatives (per the Constitution) had to choose the president. The House chose John Quincy Adams.

Today's Elections

Since the 1892 presidential election, the winner of the popular vote has also won the majority of the electoral votes. The casting of votes by the Electoral College has become little more than a formality. Delegates to the Electoral College vote in December and send their results to the United States Senate. In January, a joint session of the Senate and House of Representatives counts the votes and declares the president-elect. However, Americans usually know within hours or days after the popular election who will be the president. This is because in most states all the electoral votes are given to the winner of the popular vote.

Electoral College

Is it a dinosaur that should be abolished or a last bastion of democracy?

Joel K. Goldstein

Update on Law-Related Education, 20.3, 1996, pp. 34–36. © 1996 American Bar Association.

The idea that the people of the United States elect a president on the Tuesday following the first Monday in November remains a persistent myth of American politics. In fact, the Constitution prescribes a much more complicated procedure that vests the power to choose the president and vice president not in the people of the United States, but rather in 538 electors chosen in the 50 states and the District of Columbia, who collectively are known, somewhat misleadingly, as the Electoral College.

The founders expressed pride in this institution. Alexander Hamilton said that if "it be not perfect, it is at least excellent." Others dissent. In 1967, for example, an American Bar Association special commission called it "archaic, undemocratic ... and dangerous," and others have echoed that refrain. Still, the institution remains a feature of our Constitution, and one that assumes special importance every leap year when a presidential selection must be made.

The Electoral College represented a compromise among the founders of the United States about one of the most vexing questions they faced—how to elect a chief executive. The Constitutional Convention considered more than 15 different proposals, including plans for election by Congress or one of its houses, by various state officials, by electors, or by direct popular vote. The founders changed their minds on several occasions. At some junctures, they actually approved election by Congress. But some delegates feared that election by Congress would not reward merit, would make the president dependent on Congress, and would, in Gouverneur Morris's words, be "the work of intrigue, of cabal, and of faction."

Morris and James Madison were among those who favored direct election by the people. Proponents of direct election argued that it had worked well in some states to elect a governor, would establish the independence and high caliber of the president, and was the most appropriate method for a democratic government. Others doubted the capacity of the public to choose its leader. Elbridge Gerry worried about the "ignorance of the people." George Mason thought the vastness of the country would prevent voters from knowing enough about possible candidates to choose intelligently.

The Electoral College was designed to accommodate these competing concerns. Electors chosen simply to elect a president and vice president would not be susceptible to cabal or corruption as would a legislature, especially if they met in their different states (not together) on the same date. Nor could they dominate the president's conduct of his office, especially if they could not serve in Congress or hold other office. Since the electors would be of the people, the Electoral College bore some resemblance to direct election. The electors would be highly competent citizens, likely, according to Hamilton, "to possess the information and discernment" to make the necessary investigations. As such, they would mitigate concerns about an uninformed electorate.

An Original Idea, Modified

The Electoral College that the framers designed contained the following features regarding the election of the president and vice president as set forth in Article II, Section 1, of the Constitution:

1. Each state has a number of electors for president and vice president equal to the number of senators and representatives to which the state is entitled in Congress.

2. Each state's legislature may decide how to choose its electors.

3. The electors may not be members of Congress or hold an office of trust or profit under the United States.

4. The electors (a) meet in their respective states and (b) once were to vote by ballot for two persons (superseded by the Twelfth Amendment in 1804), at least one of whom may not be an inhabitant of the same state as the elector.

5. The electors in each state prepare and transmit to the president of the Senate certified lists of the votes, which are opened and tallied in a joint session of Congress.

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6. The person with the most electoral votes, provided a majority of those appointed, becomes president, and the runner-up, vice president (superseded by the Twelfth Amendment).

7. Provision was made for a contingent election of the president by the House of Representatives (if no candidate received a majority or if a tie resulted) and of the vice president by the Senate (if the second and third candidates received equal votes) (modified by the Twelfth Amendment).

> Instead of casting two ballots for president, the Twelfth Amendment required that the electors vote separately for president and vice president. Election as president still required a majority of the electoral vote, but now election as vice president required a majority too.

The initial system operated in the first four elections, 1789–1800. In 1789 and 1792, George Washington was elected president, having been named on all ballots. John Adams became vice president, having received a plurality in 1789 (34 of 69 ballots) and a majority in the next election (77 of 132 votes). The development of national political parties by 1796 transformed the Electoral College. No longer were the electors independent actors authorized to use their discretion. Instead, they were partisan loyalists expected to support their party's choice. In 1796, the system produced a Federalist president (Adams) and a Democratic-Republican vice president (Thomas Jefferson). Four years later, ticketmates Jefferson and Aaron Burr received an equal vote from their party's loyal electors, although most intended Jefferson for president and Burr for the second spot. Some 36 ballots of the House of Representatives were required to resolve the deadlock. The results exposed a defect in the original design as modified by emerging practice. Accordingly, in 1804, the Twelfth Amendment to the Constitution was ratified. It modified, to some extent, the procedures listed in items 4, 6, and 7 above.

In addition to the constitutional provisions, state statutes and political practice have shaped the Electoral College system in important ways. The Constitution left to each state the decision as to how to choose electors. Although some state legislatures chose their state's electors during the early nineteenth century, the predominant method then, and the universal approach during the last 100 years or so, has been for the people to vote for the electors (although most states do not list the electors on the ballot). Similarly, virtually all states decided that electors would be chosen statewide, not by districts, on a winner-take-all basis, not according to percentage of votes. Political parties, which the framers did not anticipate, have continued to choose the slate of electors to run in each state.

Electoral College: Case Against

The Electoral College has been a favorite target for political reformers. Critics typically raise several points. First, many argue that the institution is undemocratic, especially since it could lead to the election of a president and vice president who received fewer popular votes than their opponents. Such a result, some contend, would be unfair and might not be accepted as legitimate by the public. On 16 occasions, a candidate has won an electoral majority though receiving less than 50 percent of the popular vote. In fact, on several occasions, the Electoral College has awarded the presidency to a candidate who lost the popular vote. For instance, in 1876, Rutherford B. Hayes achieved an electoral majority (after being awarded the electoral votes of three disputed states by a special electoral commission), although Samuel J. Tilden won a popular majority (though one, some contend, that was the product of electoral fraud). In 1888, Benjamin Harrison won the presidency, although Grover Cleveland won the popular vote (by a margin of less than 1 percent). In other elections, a shift of relatively few votes in certain states would have produced an Electoral College majority for the candidate with fewer popular votes.

Critics also complain that the Electoral College system is undemocratic in a second respect—it weighs the votes of some Americans more than those of others. Since each state, regardless of population, has at least three electoral votes (two for its Senate seats and at least one for each representative), the smallest states have a higher ratio of electors to population than do larger states.

On the other hand, the winner-take-all feature that the states have superimposed on the system tends to magnify the importance of voters in the larger states. A candidate who wins California by one popular vote receives 54 electoral votes; one who wins Delaware gets only three. Accordingly, candidates have reason to commit disproportionate time and resources to, and tailor their platforms to the views of voters in, the largest states, thereby enhancing the influence of groups concentrated in the large industrial states.

Critics also express concern about the lack of accountability of electors. Most electors are relatively anonymous individuals, not the eminent persons the founders envisioned. Although chosen by state parties to support particular candidates, on occasions they have not done so, thereby creating concern about the irresponsible elector.

Finally, the arrangements for contingent election by the House of Representatives and Senate raise some concerns. The House and Senate might elect a president and vice president from different parties. They might deadlock to allow the Speaker of the

House of Representatives to act as president under the current presidential succession law.

Reformers have proposed various remedies for these perceived defects. They range from abolishing the entire institution and choosing a president and vice president by a direct popular vote to the more modest proposal to retain the Electoral College votes with the general ticket and winner-take-all statutory features but eliminate the individual electors. Intermediate proposals include choosing electors in districts in each state rather than statewide or choosing them under a system of proportional representation.

Electoral College: Case For

Others, however, defend the Electoral College and suggest that the reforms would either undermine important principles of American democracy or cause unintended consequences. They argue that the institution has generally worked well for two centuries. Not only has the recipient of the most popular votes almost always won an electoral majority, but the Electoral College usually produces a proportionately greater margin than does the popular vote (John F. Kennedy's official 0.1 percent popular margin in 1960 translated into a comfortable 303-to-219 electoral victory). This tendency not only contributes to the mandate of the new president, but also alleviates, to some extent, the need to recount all votes in elections that are close. Accordingly, the institution contributes to the ability of American presidential elections to produce a clear result, not uncertainty.

The Electoral College has rarely awarded the presidency to the popular vote runner-up; in those rare instances when it may have done so, it has not reversed a clear result. In 1824, for example, few states chose electors by popular vote, and turnout was very small. In 1876, there were charges of massive vote fraud, which made the results questionable. In 1888, the popular vote result was a virtual dead heat. On only two occasions—in 1800 and 1824—has the Electoral College not produced a president (requiring balloting in the House) and only once—in 1836—has it failed to produce a vice president (requiring a Senate election).

Moreover, supporters of the Electoral College contend that all visions of democracy do not require that the party with the most votes win control. The House or Senate, they point out, might be controlled by a party whose candidates collectively received fewer votes than their opponents. Nor does democracy always require that all votes be weighted equally. The vote of a person in a small state assumes greater significance in electing a United States Senator, for example, than does that of a person in a large state. Nor is it necessarily a problem that the Electoral College favors majorities in large industrial states. In part, our constitutional arrangements are designed to protect minorities from majority control. Other values are also part of our constitutional structure, such as federalism and protecting minority interests, which the Electoral College system arguably assists.

Defenders of the Electoral College also contend that it helps safeguard the two-party system. The winner-take-all feature makes it difficult for third parties to win electoral votes. A party that could command 15 or 20 percent of the vote evenly distributed across the states would receive no electoral votes and accordingly would have less incentive to run and little appeal to potential supporters. Accordingly, the Electoral College has inhibited the formation of ideological or splinter parties and has encouraged the survival of a two-party system, a feature that lends stability and cohesion to American politics.

Despite the historical controversy surrounding the Electoral College—over the years several hundred constitutional amendments to reform or abolish it have been proposed—there appears no immediate likelihood that any amendments will be adopted. That could change if, for example, the 1996 elections produce a president who does not win the popular vote or if the election must be decided in the House of Representatives. The Electoral College remains, however, a subject worthy of study because it illustrates different theories of democracy and shows the way in which our country has accommodated competing interests to fashion political institutions.

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Teaching Strategy

Let's Play Jeopardy! Today's Topic: The Electoral College

Margaret E. Fisher

Update on Law-Related Education, 20.3, 1996, pp. 37–39. © 1996 American Bar Association.

Objectives

As a result of this lesson, students will

- List the presidential election steps
- Identify the role of political parties in the election of the president
- Evaluate the need for reform in the Electoral College system

Target Group: Secondary students
Time Needed: 1–2 class periods
Materials Needed: Student Handout, copies of the U.S. Constitution, timer or clock with second hand, award for winner of Jeopardy game (optional)
Use of Outside Resource Persons: An elector from the last presidential election representing the congressional district in which the school is located could report on his or her experiences being selected and voting. The League of Women Voters may also have speakers on the Electoral College. A constitutional lawyer or historian could debate reforms proposed for the Electoral College system.

Procedures

1. Have students develop an understanding of the Electoral College in preparation for the Jeopardy game. Students should read pages 34–36, a copy of the U.S. Constitution, and the Student Handout.

2. You may wish to have students participate in a jigsaw exercise in which they teach assigned sections of the reading to other students.

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3. To play the Jeopardy game, divide the class into even-numbered teams, e.g., by rows. Students may move their chairs closer together to confer. Draw the following chart on the board, or use a prepared overhead transparency with the four topic areas as headings and the point values listed underneath. Also, put a score sheet on the board by writing Team A, Team B, etc., for each team.

Constitution	Elections	Founders	Electors
10	10	10	10
20	20	20	20
30	30	30	30
40	40	40	40
50	50	50	50

a. Explain to students that this game is based on the TV game show *Jeopardy!*, but it is not exactly the same. First of all, students will score points in teams (not as individuals) by correctly answering questions (rather than making up questions to answers provided). In addition, all teams begin with a 50-point score.

b. Some lottery arrangement determines which team gets to start.

c. The starting team has the right to select any of the four topic areas for any point value, e.g., Constitution for 50. As the question associated with the point value gets harder, the more points the question is worth. The 10-point questions are easiest, and the 50-point questions, hardest. The team has 30 seconds to select a topic and point value. Once the team has selected, the instructor will read the question from the following list that is matched to the topic and point value.

d. At this point, any member of any team may raise a hand to answer the question. It does not have to be answered by the team that selected the question. It is crucial that the instructor fairly identify the order in which hands are raised. Perhaps a student could be selected to assist with this aspect of the game.

e. The team that has been identified as the first to raise a hand has 15 seconds to decide on an answer. Students may consult any written materials and with any members of their team.

f. If the team is correct, the score sheet on the board should get the point value put under that team's name.

g. If the team is not correct or does not respond within 15 seconds, the team loses the amount of points for that question. Any of the other teams may answer the question within 15 seconds, gaining or losing points depending upon whether or not they are correct. If the question remains unanswered, with no team raising a hand, the instructor provides the answer.

h. The team correctly answering the prior question selects the next topic at a particular point value. If the prior question went unanswered or was answered incorrectly, the team picking the prior question selects again.

i. Once a topic for a particular point value has been asked, the instructor erases or puts an X through that point value.

j. During the course of the game, a selection of a question may result in the "Daily Double Question." Only the

team selecting what turns out to be the daily double question has the right to answer the question. If successful, they get double the point value.

k. At the end of all the 20 squares of point values, the instructor totals each team's score (alternatively, at the end of 40 minutes). At this point, each team decides how much it wishes to risk in answering the "Final Jeopardy Question." Students may risk zero to all of their points. If they answer the question correctly, they earn the amount risked. If they are wrong, they lose the amount risked.

l. Students write on a piece of paper the amount risked with the name of their team and hand it to the instructor. The instructor then asks all teams the "Final Jeopardy Question." The teams have 30 seconds to answer in writing. Their final answer is placed with the person in the front seat of each row. Each team reports from the paper what the team's answer is, and the instructor reveals the point value at risk.

m. The winning team is the team with the highest point total.

n. If an award is available, it should be presented now.

Questions and Answers for Jeopardy Game

Constitution

10 points What section of the Constitution provides that the president and vice president shall be elected by electors? *Article II, Section I, Paragraph 2*

20 points What amendment provides that the president and vice president shall be separate in the candidacy for each position? *Twelfth Amendment*

30 points How does the Constitution determine how many electors each state will have? *Each state gets a number of electors equal to the number of senators and representatives.*

40 points Where are the political parties mentioned in the Constitution? *nowhere*

50 points How many votes does each House of Representatives member get if the election is decided in the House? *All the representatives from each state combine together to cast one vote.*

Elections

10 points How many times in history has the election of the president been decided by a vote in the House of Representatives? *two times*

20 points In what two election years was the president chosen by the House of Representatives? *1800 and 1824*

30 points How many times in American history has a president been elected who did not have the largest popular vote? *three times*

40 points List two of the three election years that a president was elected who did not have the largest popular vote. *Students should list two of these three dates: 1824, 1876, and 1888.*

50 points Daily Double Question Give at least one reason why some founders objected to direct election of the president. *Two reasons include (1) ignorance of the voters and (2) vastness of the U.S. would limit voters' having enough information on the candidates to vote intelligently.*

(Special instructions for the Daily Double Question. Only the team that selected this question has a chance to answer and to earn twice the points, i.e., 100 points. Students have 30 seconds to answer.)

Founders

10 points True or False There was agreement among the founders of the United States about how to elect a president. *False*

20 points True or False Exploring how to elect the president, the founders considered giving Congress the power to elect the president. *True*

30 points True or False The president is elected directly by the people every four years. *False*

40 points Name at least two proposals to select the president that the founders of the United States considered. *They considered more than 15 proposals, including having elections by Congress or one of its houses, by various state officials, by electors, or by direct popular vote.*

50 points Name at least two objections of some founders to having Congress elect the president. *Some founders feared that election by Congress would not reward merit, would make the president dependent upon Congress, and would be "the work of intrigue, of cabal, and of faction."*

Electors

10 points True or False The process for "appointing" presidential electors may vary from state to state. *True*

20 points True or False The term *Electoral College* is not found in the Constitution. *True. Article II, Section I, Paragraph 2, talks about electors, but not an Electoral College.*

30 points True or False The Constitution does not provide for the popular election of the president or anyone else. *False. While the Constitution does not provide for the direct popular election of the president, it does provide for the popular election of the U.S. senators and representatives.*

40 points What does it mean to have a "winner-take-all" approach to choosing electors? *All states have a system of choosing electors on the basis of who gets the most votes, and not according to the percentage of votes.*

50 points Who chooses the slate of electors to run in each state? *the political parties*

Final Jeopardy Question When all 20 squares have been used up (alternatively, when 40 minutes have passed), the teams are then ready for the Final Jeopardy Question. Each team, knowing its point total, is free to risk as many or as few points as it wishes. All teams are eligible to play.

If there is not a majority of electoral votes for vice president, who decides who will be vice president? *Under the Twelfth Amendment, if there is no majority of total electoral votes for vice president, the winner is determined by the U.S. Senate from the top two candidates, each senator having one vote. (Students need only identify the Senate to correctly answer the question.)*

Student Handout

Fact Sheet on the Electoral College

1. The Constitution provides that the president and the vice president are elected by electors, each state having a number of electors equal to the number of senators and representatives in Congress. (Article II, Section I, Paragraph 2)
2. To be elected, a president must receive a majority of the total electoral vote. If no candidate receives a majority, the election is decided in the House of Representatives, with each state having one vote.
3. Electors are appointed "in such a manner as the legislature thereof may direct" in each state.
4. The Twelfth Amendment adopted in 1804 provides that the president and vice president shall be separate in the candidacy for each position.
5. Twice in our history the election of the president has been decided by a vote in the House of Representatives: in 1800 and in 1824.
6. Three times in our history a president was elected who did not have the largest popular vote: in 1824, 1876, and 1888.
7. Whereas initially electors were appointed by state legislatures, gradually, state by state, the process changed and electors were elected in popular elections.
8. Historically, political parties quickly gained control of who would become presidential candidates.
9. Today political parties control the appointment of electors through state party conventions, and the selection of presidential nominees is a part of the national convention of each party. Delegates to national conventions are elected in primary elections in some states and in state party conventions in those states whose primary elections are after the national convention.
10. All the electoral votes from a given state are cast for one candidate because of the process by which the party system dominates our elections.
11. For many years, polls have shown that a large majority of the American people favor a change in the Electoral College system. Some ways of amending the system are as follows:
    a. To eliminate the Electoral College system and rely on the popular vote to elect the president. Critics of this position argue that a direct popular vote may result in a winner who did not win a majority of votes or states. Also, they claim that small states or states with a small population would be overwhelmed by urban centers and that a direct-vote system would encourage more splinter candidates.
    b. To split the electoral vote in proportion to the popular vote.
    c. To divide the states into electoral districts, each having one electoral vote.
    d. To require that an elector vote in a way consistent with the popular vote.

Presidential Primaries: Front-loaded Fiascoes?

Why the 1996 nominating process could lead to the destruction of the two-party system

Curtis Gans

Update on Law-Related Education, 20.3, 1996, pp. 40–41. © 1996 American Bar Association. *Reprinted, with adaptations, from Curtis Gans, "The Importance of Primaries," The New Democrat (July/August 1995): 20–22, with permission of the author.*

The process that the Democrats and Republicans use to select their presidential nominees is usually over before it begins. By the end of March in a presidential election year, there have been 39 primaries and caucuses within a 43-day period, and 70 percent of the Republican delegates and 63 percent of the Democratic delegates to the parties' conventions have been selected. The parties' nominees this year have been known fully four months before either convention.

While this shortened schedule may please some—the leaders who want calm conventions, politicians who don't want to work so hard, the broadcast networks that long ago gave up any pretense of wanting to expend any resources to inform the citizenry—it could be profoundly destructive to the political system as a whole.

How destructive? Let us count the ways:

1. *Limiting competition to the rich and the famous.* In former years, poorly financed candidates could win early contests and establish their credibility, thus permitting them to raise enough money to compete in later primaries. But with 27 contests occurring within two weeks after the New Hampshire primary, such tactics are impossible. According to conservative estimates, a candidate needs at least $25 million up front in order to survive the first three weeks of the campaign alone.

That restricts the candidate field to those who have great personal wealth or have access to those with wealth (in order to raise $25 million before the primary season starts) or to figures like the Rev. Jesse Jackson, whose name recognition and grassroots support offset the need for massive amounts of money.

2. *Enhancing the worst aspects of campaigns.* The crowding together of so many primaries and caucuses means that grassroots campaigning is limited to two states—Iowa and New Hampshire. For almost all other states, the campaign consists of 30-second spot advertising and airport visits by the candidates. This minimizes citizen engagement through lack of contact with candidates and maximizes voter turnoff due to attack advertising.

3. *Appointing the wrong arbiters.* The most important actors in the 1996 nominating process are neither the party leaders who know the most about the characters and qualifications of the candidates nor the citizens who will be called upon to vote for and be governed by them. No, the most important actor honor will fall to financial contributors, the media, and political consultants.

Since it takes a $25-million war chest to compete, it will be those with money who determine the worthiness of candidates. And since most primary voters had no chance to personally assess the competitors, it is the media—with their built-in cynicism, tendency to run in a pack, and ability to ruin candidacies through magnification of minor failings—who provide the basis for judging a candidate's character and qualifications. And, since the nature of the campaign will virtually eliminate grassroots campaigning, it will be political consultants skilled in 30-second spot advertising who will determine who wins or loses.

That is a sorry set of credentials for determining the next leader of the most powerful nation on earth.

4. *Eliminating the possibility of second judgments.* The point of the party selection process should *not* be to discover and reward the person who has the political skill and tactical judgment to quickly win a series of primary and caucus confrontations. The issue is the ideological direction of both major political parties and the qualifications of two individuals to govern the United States. That judgment should not be made in haste.

Yet the process forces haste. It does not allow for second thoughts and re-evaluation. It does not permit late-filing candidates to test the character

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and capabilities of a front-runner over a reasonable period. It will not give a candidate time to overcome an early television-magnified mistake. And it will deprive the parties of any escape hatch should any late revelations tarnish the candidate chosen by the new six-week system.

5. *Destroying conventions.* When ABC News president Roone Arledge declared a few years ago that the parties should shorten their conventions to two days to ensure media coverage, there was legitimate outrage at the implicit blackmail. But, if the nominees are known in March, what conceivable purpose is there for the parties to convene, and what news—other than the candidates' speeches—is there to cover?

6. *Promoting third and fourth parties or candidates.* An unintended side effect of the nominating system is the likely emergence of new parties and/or serious independent candidates. Two aspects of the new system—money and time—make this more likely.

Because the process demands $25 million up front, and the only sources of money (individuals, limited by law to $1,000 donations, and political action committees, limited to $5,000 donations) are not notorious risk takers, the opportunity for change within the major parties is minimal.

How Did We Get Here?

The 1996 nominating process has already yielded one consequence that is both unintended and negative—the lengthening of the campaign. For the first time in memory, almost all the major candidates announced a year before the first set of primaries and nearly two years before the next election. They did so in order to compete in the *real* primary contest—the contest to raise the more than $2 million a month needed to be ready when the primary season began.

And because of this early competition for dollars and recognition, the shortened process has produced an excess of political posturing and a shortage of statesmanship in the year in the presidential political cycle normally devoted to governance.

Because this process is potentially so damaging, it might be well to ask how we arrived at it and what might be done to change it.

Our brave new nominating system has evolved out of the abject terror of Democratic Party leaders at any televised repetition of two events:

- The 1968 convention, when divisions between generations and over American military involvement in Vietnam erupted into violence in Chicago, in part due to a lack of responsiveness and democracy in the Democratic Party's nominating process.
- The 1972 convention, when changes in the party's nominating process aimed at enhancing accessibility and accommodating the demands of certain previously underrepresented groups—women, African Americans, and the young—produced a convention in which the mayor of Chicago was ejected, the party's nominee gave his acceptance speech after midnight, and prime-time televised fare included the former attorney general of New York addressing the convention as "fellow lettuce-boycotters."

Since 1972, party leaders have used any and every device to ensure decisions, nominees, platforms, and other issues were settled well before delegates convened in the summer. Early candidate-filing deadlines were adopted to ensure that no late candidacies would prolong the rush to a decision. Moral and economic pressure was applied to trailing but still viable candidates to quit the race.

As a result, states with later primaries and caucuses, increasingly shut out of decision making, began moving the dates of their presidential contests earlier in the year to ensure they would have a say in the process.

And regions, dissatisfied with the ideological cast of their party's nominee in previous elections, began grouping their state primaries on a single date to maximize their influence.

All of which has driven the nominating process—for both parties—to where it is today.

An Alternative View

There is, of course, another way of looking at both history and the nominating process other than through the prism of fear and state self-interest:

- The events of 1968 and 1972 were unusual excesses created by the extraordinary and unlikely-to-be-repeated divisions in party and public caused by the war in Vietnam.
- This nation is best served by a two-party system that promotes social cohesion, organizes the public debate, provides for continuity, and accommodates orderly change.
- Orderly change is best accommodated through a nominating process sufficiently accessible to the forces of change and sufficiently long to determine whether that change is necessary or desirable.
- The character, competence, qualifications, and concerns of the president of the most powerful nation in the world are deserving of greater scrutiny, evaluation, and re-evaluation than a six-week primary season allows.
- Conventions continue to have an important role—determining the party nominee in some years and unifying the party behind a person and a platform in others. A convention that is more than a coronation might serve two purposes—reminding the media of their responsibility to society and constructively educating the public about the complex processes of democracy.
- Whatever nominating system is chosen should reinforce the needs of governance in nonelection years and resist the more harmful aspects of the campaign process: consultant-driven television campaigns in any given political year.

We can accomplish these broad aims in one of two ways.

continued on page 43

Laws Must Be Nonpartisan, Not Bipartisan

How current campaign finance laws and regulations help keep incumbents in and challengers out

Ross Clayton Mulford

Update on Law-Related Education, 20.3, 1996, pp. 42–43. © 1996 American Bar Association.

Widespread public support for term limits is nothing more than an expression of frustration with the results of current election laws, which have produced incumbent re-election rates of over 90 percent (even in the "revolutionary" year 1994). Revamping those laws is essential to open the process to new participants and competition.

In political circles, campaign finance reform has been viewed as a zero sum game. Liberals support it as a way to reduce the impact of the disparate distribution of wealth on elections. Conservatives oppose it as a restraint on individual liberty and freedom of speech. Meanwhile, officeholders are more practical. They scour proposed regulations for a Democratic or Republican bias that might alter their re-election chances.

The public sees it differently. Support for campaign finance reform comes not from an ideological base, but from a weariness of incumbency and the bundling of affairs of state with re-election war chests.

Our current campaign finance laws are a snapshot of 1974 and lock in a stagnant picture structured as a bipartisan balance of the political interests of elected Republicans and Democrats. But those interests don't diverge: incumbents of both parties benefit from the structure and have much more in common on the issue with each other than they do with challengers in their own party.

The laws must be *non*partisan, not *bi*partisan. They should encourage citizen involvement, level the playing field, and balance the interests of all *candidates*—both incumbents and challengers—to end, not tilt, biases favoring what the public perceives as a political or governmental class.

Election laws are protective of incumbency and illogical in application, but in a manner with which both parties agree. The Federal Election Commission is "balanced" by three Democrats and three Republicans. But party deadlocks are not the problem. Unanimous FEC decisions are the rule: incumbents win, challengers lose. Regulations benefiting incumbents pass, while others do not.

FEC actions against challengers outnumber those against incumbents more than five to one. Are challengers some kind of lawless class—a danger to our system? In addition to their well-documented financial advantages, incumbents have advantages that never appear in financing reports: franking (free mailing) privileges, staff political work, a salary during the campaign season, and more. Challengers, on the other hand, may violate the law in any number of unexpected ways: if they run a campaign while remaining on a corporate payroll or simply retain health benefits.

Several underlying causes provoke public dissatisfaction with the current legal structure and its effects on the practice of politics:

- Political parties have devolved into fund-raising shells, ways of permitting what would otherwise be illegal contributions. They are largely brand labels by which candidates select campaign operatives, direct-mail specialists, media consultants, and pollsters. Party platforms are a battleground of ideological extremes with little relevance to candidate positions or the public.
- Political campaigns have alienated rather than involved voters. Polls and focus groups tell professional operatives which emotional issues to hit. Discussion and civil debate of long-term economic and policy issues are ignored as too dry or too complex. Enormous sums of money are expended not to enlighten or educate, but to inspire distrust and anxiety. The public's contact with its representatives is

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often limited to polarizing 30-second attack ads.

• The enormous advantages enjoyed by incumbents by virtue of ballot-access and campaign finance laws are supplemented by overwhelming financial support of incumbents by interest groups with narrowly focused legislative agendas. Over half of incumbents receive the majority of their war chests from interest groups. Significantly, large proportions of these contributions come during the legislative cycle, not at election time.

• The rise of interest-group dominance in incumbents' financing means congressional representatives receive their information, financing, and arguably their most acute sense of issue accountability from entities with varied but narrowly focused interests. No special lobby represents broad-based, long-term, or intergenerational economic issues.

The mission of election campaign finance laws should not be to balance party interests. The mission is to pursue the *public* interest. This is best accomplished by nonpartisan encouragement of citizen involvement through fairness and impartiality. ♦

continued from page 41

The parties could take the suggestion offered some years ago by Democratic Senator Terry Sanford of North Carolina and remove the candidates from the delegate selection process. Under such a system, citizens would elect delegates who, in a timely and democratic manner, would then judge the qualifications of the candidates and make final decisions at the party conventions.

Alternatively, either by party leadership order or with the help of a bipartisan commission on the nominating process, the parties could reverse the front-loading of the prenomination process to maximize the number of individual state contests, minimize the use of manipulative media, and provide sufficient time for the evaluation and re-evaluation of choices. We should consider raising the limits on individual and collective campaign contributions—at least to a threshold of candidate usefulness. This would reduce the length of time needed to raise the cash to compete and, perhaps, put an end to two-year campaigns. It would make the candidate's ability to raise an army of $1,000 donors less of a determinant of eventual outcome. It would also make possible the entrance into the campaign of candidates who have a public following and something to say—but don't have the money to compete.

America's political system has been strong because it has been flexible. Out of fear and self-interest, the two major parties have created a nominating process that virtually eliminates that flexibility.

The choice is between changing the process or further fragmenting an already too-fragmented society—between orderly change within the two parties or, perhaps, the end of the two-party system as we know it.

That choice, for the parties, should be simple. ♦

Do You Know?

1. What was the "Peanut Special"?
2. Who was the first president to have an official inaugural ball?
3. What famous detective protected Abraham Lincoln on his inaugural trip to Washington, D.C.?
4. What famous American poet read a poem at the Kennedy inauguration?
5. Which nominee for president had the following slogan, symbol, or campaign style?

_____ "I Like Ike"	**a.** Eugene J. McCarthy
_____ a shoe with a hole in the sole	**b.** Edward M. Kennedy
_____ "Clean Gene"	**c.** Dwight D. Eisenhower
_____ the sunflower	**d.** William H. Harrison
_____ cross of gold speeches	**e.** Alfred M. Landon
_____ "Tippecanoe and Tyler, Too"	**f.** Adlai E. Stevenson
_____ "We're Ready for Teddy"	**g.** William J. Bryan

Source: World Book of America's Presidents. The President's World. *Chicago: World Book, Inc., 1994.*

Answers:
(1) a special train to Jimmy Carter's inauguration, chartered for the citizens of his hometown in Georgia
(2) James Madison
(3) Allan Pinkerton
(4) Robert Frost
(5) c, f, a, e, g, d, b

162

Student Forum

Should a State Adopt a Mail-In Ballot Procedure for a Special Election for U.S. Senator?

Jennifer Brandsberg

Update on Law-Related Education, 20.3, 1996, pp. 44–48. © 1996 American Bar Association.

To the Teacher

This forum is a student-organized discussion of a legal issue. Your students are responsible for the forum. Your role is to provide copies of materials to the students and to serve as a consultant.

Forum planning should not begin until students are familiar with the mail-in ballot procedure. You might select readings and use teaching strategies that will give students the background needed to participate in the forum, or you might furnish them with other materials you find useful. A list of resources appears after the sample roles.

The positions expressed in the roles in this forum are derived from the debate surrounding Oregon's special election to replace Bob Packwood in January 1996. Oregon has used the mail-in ballot for many years for county elections and some statewide initiatives, but the January election marked the first time that a national office was determined by a mail-in ballot election. The sample roles provide positions on the mail-in ballot issue generally and also address specific problems with using the new ballot procedure in an election for national office.

The forum should take from two to five class periods, depending on the number of roles, amount of discussion, and whether or not the class chooses to invite guest speakers. Independent research will elevate the quality of student presentations and overall scholarship. You, or your students, may elect to use all the sample roles, or you may revise or replace them. Make sure the roles represent diverse philosophical viewpoints.

To the Student

This forum will give you an opportunity to take responsibility for your own learning. It is similar to a town-hall meeting, where people come together to debate issues. The activity will help you explore other people's views and examine your own.

During this forum, you will consider whether your state should adopt a mail-in ballot procedure for a special election for senator of the U.S. Congress. During the forum, it will be important for you to critically evaluate this public policy issue. Some questions you might consider in your evaluation are

- What is the mail-in ballot procedure and what is its goal?
- What problems does the mail-in ballot procedure seek to address?
- What are the pros and cons of the mail-in ballot procedure?
- Are there alternatives to the mail-in ballot procedure that address the same problems?

How to Conduct the Forum

1. The class selects five students to serve on a forum panel.
2. All students complete the preforum ballot and submit it to the panel.
3. Students form groups to develop or adapt forum character roles.
4. The class identifies community members to invite to participate in the forum. Community members may represent themselves or their organizations, role-play sample roles suggested here, create new roles, act as student coaches, or assist students in any aspect of the forum. Include your teacher in making plans to invite guest speakers.
5. The panel selects a facilitator and clerk from among student volunteers. It also organizes the class's selection of students to role-play sample and created roles.
6. The clerk schedules the presentations of all roles.
7. The panel conducts the forum.
8. All students complete a postforum ballot. The panel reviews, compares, summarizes, and reports the results to the class.

Getting Ready

To prepare for this forum, review literature, including readings from your teacher, as well as other materials

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available from national, state, or local organizations that have positions on the mail-in ballot procedure. A few resources are listed at the end of this forum. Talk to registered voters in your community as well as people who are knowledgeable about official voting procedures. Professionals who may be able to help you prepare for the forum, or who might participate in it in various roles, include teachers, county or city election officials, lawyers, political science professors, reporters, registered voters, past and present candidates for public office, and political consultants.

Background

Your state must hold a special election to replace one of its senators who retired before her term ended. Voter turnout has been consistently low for special elections, and state election officials are searching for ways to increase voter participation. In response to voter complaints about the inconvenience of voting at specified polling locations, state officials are considering adopting a new voting procedure that would allow voters to send their ballots in by mail anytime during a three-week period. Ballots would be mailed to all registered voters several weeks before the voting period began, and the state government would cover all postage costs. As a preliminary step, state election officials are conducting a series of meetings in local communities to discuss the mail-in ballot procedure.

Introduction

Roles The following people have been asked to present their views to a mock community meeting initiated by state election officials on the mail-in ballot procedure. They have been selected to testify because they have thoughtful but differing opinions about the new ballot procedure. Students playing the roles of these people should have five minutes to present their positions and to answer questions from the audience. Students in the audience may play the role of state election officials. When questioned by the audience, the students should answer in a manner consistent with their roles.

Role 1: Ellen Reynolds Good evening. Thank you all for coming to this public forum on the mail-in ballot procedure. My name is Ellen Reynolds, and I am a representative from the Elections Division of the Office of the Secretary of State. We are conducting this series of community meetings to find out how the people of this state feel about adopting a mail-in ballot procedure for the upcoming special election for senator to the U.S. Congress. The Office of the Secretary of State supports this new procedure, and I would like to take this opportunity to explain why we are asking you to consider it for the election.

It is a basic belief in our democracy that the best government is the one that is governed by the most people. However, voting on a particular day at a specific place is often inconvenient for busy people and results in low voter turnout. In this state, approximately 65 percent of registered voters participate in the major national elections that occur every two years. In special off-year elections, voter turnout is usually significantly lower—sometimes below 40 percent. Increasing voter participation is very important for the strength of our democracy. We believe that the mail-in ballot procedure will increase voter participation in the upcoming special election because it is easy, quick, and convenient for today's voters.

In addition to increasing voter participation, there are other benefits to the mail-in ballot procedure. The total cost of the election to the taxpayer will be reduced, even when we include the cost of postage. There will be no polling centers to rent and no poll workers to hire. This will also make the administration of a mail-in ballot election significantly easier than that of a traditional election. Though there has been some concern about whether the U.S. Postal Service is reliable enough to handle the ballots, we plan to work closely with postal officials to make sure that the ballots are delivered accurately and on time.

The extended election period of three weeks should also result in a more informed electorate. Too often, election day sneaks up on voters who feel forced to make a decision before they really have a chance to learn about the issues. In a sense, the ballot's arrival in the mail gives voters a three-week warning period, during which they can discuss election issues with family, friends, and civic groups. We believe that the mail-in ballot procedure will result in greater and better participation.

Role 2: Duane Wilson Hello, my name is Duane Wilson, and I am a political consultant. I have helped candidates run traditional campaigns in the past and am currently working on strategies to deal with a mail-in ballot system. I support efforts to increase voter participation, and I feel that the new procedure could be used very effectively in local and state elections. However, I fear that this new procedure will make it much more difficult for candidates to run for national office. The mail-in ballot should not be used in such high-stakes elections.

To take full advantage of the three-week voting period, candidates will have to map out their campaign strategy much sooner, spend more money at early points in the campaign, and spread their advertising out over a longer period of time. There will be a great deal of effort placed in "get-out-the-vote" drives to increase the number of people participating who might support the candidate.

Identifying all registered voters will also be very important because local election authorities will periodically post lists of voters who have turned in their ballots during the three-week election period. This procedure will enable candidates to focus financial resources and telephone contacts on those people who wait to vote until later. Some candidates may purchase sophisticated computers to track who has voted and who has not.

All these strategies will require a great deal of money, surely more than is needed to run a successful campaign in a traditional election. This will be particularly true in this first election because candidates will be unfamiliar with the new system. As a country, we have voiced our concerns about the high price of running a campaign and the negative effect it has on an ordinary citizen's ability to hold public office. Though the mail-in ballot should increase voter participation, it may decrease the ability of the citizenry to participate in the political system by running for public office.

Role 3: Chris Tamura Thank you for inviting me to this forum on the mail-in ballot procedure. My name is Chris Tamura, and I am not a registered voter. I have been asked by the panel to comment on whether the new procedure would make it more likely for me to register and vote in the upcoming election. I don't believe that it will make much of a difference for people like me.

I don't pay much attention to politics anymore. Over the years, I have watched many politicians come and go, and it doesn't seem like my life changes very much. Every election year, politicians make big promises about the sweeping changes they are going to make for our state and our country, but I just don't see that they change much for the better in the end. Besides, it is too time-consuming to keep up with all the important issues that need to be decided.

It sounds like the mail-in ballot procedure is a good idea for people who are registered and who are inclined to vote. It should save them a lot of time and hassle at the polls. But what it doesn't do is make it easier to get information about the issues, and I think that for people who aren't registered to vote, access to information is the biggest problem.

Role 4: Evelyn Jaeger Good evening. My name is Evelyn Jaeger, and I am a registered voter. I agree that voter participation is a big problem in this state and in the country. Americans have really taken the right to vote for granted, and something needs to be done to promote greater civic responsibility in the population. Instituting the mail-in ballot procedure will probably increase voter turnout, but will lessen that sense of responsibility.

When Alexis de Tocqueville visited America in the 1830s, he remarked that its citizens were constantly forming civic associations that served to strengthen notions of community and democracy. There is much evidence that technology, work, and leisure habits have separated individuals from one another and lessened Americans' sense of community and civic duty.

Voting at a common time in a common polling place is one of the few remaining opportunities people have to gather together as a community for a common act. When we make our individual election decisions in the presence of other citizens, we are supporting individuality and collective responsibility, both of which are important characteristics of our democracy. If we institute the mail-in ballot procedure, the communal aspect of voting will be lost, and citizens will be further separated from one another. Out of the civic realm, voters may be more likely to make selfish, not civic-minded, decisions.

While I agree that the mail-in ballot procedure will make voting more convenient and less expensive, I believe that it will cost our democracy entirely too much.

Role 5: Hank Grabek I am Hank Grabek, and I have been a registered voter in this state for 50 years. In all that time, I have missed only a handful of elections, and I was saddened each time. I treasure my right to vote. It is a privilege as well as an obligation, and I am proud to share it with my fellow citizens on election day in the polling station. However, I do support the new ballot procedure.

As I get older, it is harder and harder for me to get to the designated election sites. I have also seen how difficult it is for my granddaughter, who is a single mother, to make time for her civic duties. The best-laid election day plans can be ruined by illness, a late day at work, unexpected travel, and any other of life's little surprises. It is no wonder that a large number of registered voters never make it to the polling booths on election day.

While I agree with the argument that a certain sense of community is lost with mail-in ballots, I think that it is largely a symbolic loss. I think that most people just get in and get out of the polling booth as quickly as they can, with little regard to the other citizens around them. It is more important to get a true sense of the will of the people, and this can be done only if we find ways to increase participation. I believe that the mail-in ballot procedure will help us do just that.

Role 6: Ana Rodriguez Good evening. My name is Ana Rodriguez, and I am a reporter for the city newspaper.

The comments made here tonight interest me both as a reporter and as a citizen, and I would like to use both voices to express my doubts about this new ballot technique.

As a reporter, my primary responsibility is to provide people with information about their community, their country, and the world. As I am sure you are aware, the media play a large role in framing the issues important to an election. Sometimes the media can even influence the election, as when reporters uncover information about candidates that influences voters' decisions.

In this election, it is projected that a majority of voters will send in their ballots within the first few days of the three-week period. What happens if the media uncover a new, important piece of information about a candidate after a large number of voters have already sent in their ballots? This is not an unlikely scenario. Voters who cast their ballots early are basing their decisions on an incomplete campaign, and they risk making a relatively uninformed decision.

As a citizen, I am concerned about the techniques that election officials will use to reduce the possibility of cheating. At a traditional polling station, you complete your ballot without attaching identification to it. You must sign into the station so that poll workers know that you are registered; but, otherwise, the actual voting process is secret. With the mail-in ballot procedure, your identification and a signature will be included in the envelope with the completed ballot to prevent double voting and other fraud. With these measures, how do I know that my anonymity will be maintained?

While I worry about the effects of these measures on the traditional anonymous vote, I also wonder whether they will be enough to prevent cheating. Supporters of the procedure hope that people will take the three-week voting period to find out about the issues by talking to family, friends, and civic groups. While I agree that issues should be discussed with community members, I am concerned that some people might be forced to vote a certain way by these same groups. A spouse looking over your shoulder as you vote or a boss asking workers to complete their ballots in the workplace—these are real possibilities that infringe on our right to make election decisions in secret, without the fear of intimidation.

On the whole, as a reporter and a citizen, I must question the wisdom of adopting this mail-in ballot procedure at this time. Other states are experimenting with the idea as we speak. Let's wait until more evidence about its effectiveness is in.

Resources

Claiborne, William. "Oregon Election Officials Tout Mail-in Ballot Result." *The Washington Post*, February 2, 1996, p. A13.

Egan, Timothy. "Living Rooms Replace Polling Booths in Oregon's Mail-in Senate Election." *The New York Times*, November 21, 1995, p. A19.

Keisling, Phil. "What If We Held an Election and Nobody Came?" *Washington Monthly* (March 1996): 40–41.

Ornstein, Norman. "A Vote Cheapened." *The Washington Post*, February 8, 1996, p. A25.

Rosenfield, Margaret. "All-Mail-Ballot Elections." *Innovations in Election Administration*, No. 11. Washington, D.C.: National Clearinghouse on Election Administration, Federal Election Commission, 1995.

Subcommittee on Elections of the Committee on House Administration, U.S. House of Representatives. *Hearing on Alternative Ballot Techniques* (September 22, 1994). Washington, D.C.: U.S. Government Printing Office.

Web Sites

Oregon Secretary of State
http://www.sos.state.or.us

Federal Election Commission
http://www.fec.gov

Forum Ballot

Should the State Adopt a Mail-In Ballot Procedure for a Special Election for Senator of the U.S. Congress?

Circle the choice that best answers how you feel about voting and the mail-in ballot procedure.	strongly agree				strongly disagree
1. Voting is the most important act that a citizen can perform.	1	2	3	4	5
2. When large numbers of people participate in an election, our democracy is made stronger.	1	2	3	4	5
3. The secret ballot is an important part of a democratic election system.	1	2	3	4	5
4. It is important for people to come together at a common place and time to cast their ballots.	1	2	3	4	5
5. Voting at a common place and time is inconvenient for people.	1	2	3	4	5
6. The government has a responsibility to make voting more convenient for people.	1	2	3	4	5
7. Voting by mail is no different than voting at a polling station.	1	2	3	4	5
8. Voting by mail is a good idea, and it should be adopted by every state.	1	2	3	4	5
9. Voting by mail will probably increase voter participation.	1	2	3	4	5
10. Voting by mail will cause people to feel less a part of the community.	1	2	3	4	5
11. Voting by mail will increase the cost of a candidate's campaign for national office.	1	2	3	4	5
12. Voting by mail will be less expensive for the taxpayer than traditional elections.	1	2	3	4	5
13. Voting by mail is fine for smaller local elections, but it should not be used for large national elections.	1	2	3	4	5
14. Voting by mail increases the chances for cheating.	1	2	3	4	5
15. The U.S. Postal Service is too unreliable for a mail-in ballot system.	1	2	3	4	5
16. Three weeks is an acceptable amount of time for voters to mail in their ballots.	1	2	3	4	5

Write a short answer.

1. Having considered the issues in the mail-in ballot procedure, I (agree with/disagree with/don't know how I feel about) the idea of adopting a mail-in ballot procedure for the Senate election in my state because . . .

2. Read the two statements below and choose the one you agree with most. Explain in a few sentences why you agree with the statement.

   The mail-in ballot procedure will strengthen democracy because more people will be able to participate in elections.

   The mail-in ballot procedure will harm democracy because it will decrease our sense of community with other citizens.

Election Resources. . . .

Paula A. Nessel

Prepare for the Fall Election—Order Now!

Get ready for the November 1996 election now, so you don't have to scramble for materials in the fall, when it may be too late.

This being a presidential election year, the nation will be swamped with speeches, advertisements, debates, and "public service" announcements advising people how to vote for the "best" candidate. Following is a list of materials—teaching kits, books, simulations, videos, and more—that will help answer students' questions regarding the election process from both an institutional and political outlook. There is information on voting rights, the Federal Election Commission, political conventions, the Electoral College, and organizing a political campaign, among other important topics. Be prepared for fall—order now!

Activity Books—

Electing a President

Grade Level: 4–6

Help students learn about the electoral process and what it means to be informed citizens who vote. $2.50 (minimum order $10.00); Weekly Reader Corporation, Customer Service Center, 3001 Cindel Drive, Delran, NJ 08370, 800/446-3355.

How We Elect a President

Grade Level: 2–3

Students get involved in the presidential campaign as lively illustrations and grade-appropriate vocabulary help them understand the meaning of our democracy's most important day. $2.50 (minimum order $10.00); Weekly Reader Corporation, Customer Service Center, 3001 Cindel Drive, Delran, NJ 08370, 800/446-3355.

Path to the White House

Grade Level: 7–9

Teach students to probe the issues and strategies involved in the 1996 race for the White House. Candidates' biographies and up-to-date photos, maps, charts, and graphics stimulate critical thinking and lively class participation. $2.50 (minimum order $10.00); Weekly Reader Corporation, Customer Service Center, 3001 Cindel Drive, Delran, NJ 08370, 800/446-3355.

We Choose Our President

Grade Level: K–1

Help students understand the importance of the presidential election. Through pictures, simple text, and plenty of in-close activities, students learn about the president as the leader of our country, what the president does, and who the candidates are. (16 pages) $2.50 (minimum order $10.00); Weekly Reader Corporation, Customer Service Center, 3001 Cindel Drive, Delran, NJ 08370, 800/446-3355.

Books—

Choosing the President 1992: A Citizen's Guide to the Electoral Process

Grade Level: Secondary/Adult

A 160-page book from the League of Women Voters of California Education Fund. It analyzes the workings of political parties; campaign finance systems; convention delegate selection; party conventions; campaign techniques, strategies, and costs; voter behavior; and the electoral process. $9.95 paperback (hardcover is out of print); shipping and handling included; quantity discounts available; Lyons & Burford, Publishers, 31 W. 21st Street, New York, NY 10010, 212/ 620-9580.

Electing a President: The Markle Commission Research on Campaign '88

Grade Level: Secondary/Adult

This book by Bruce Buchanan reports the findings of the Markle Commission on the Media and the Electorate 1988 study of geographic and demographic factors on citizen participation in the election. $27.95 plus shipping and handling; University of Texas Press, P.O. Box 7819, Austin, TX 78713-7819, 800/252-3206.

The Election Survival Guide

Grade Level: Secondary/Adult

Available in early September, this guide will include information about on-line resources, voter registration, and how to be involved in electing a president and a directory of civic organizations. Free; multiple copies available to civic groups; Wisconsin Public Television, Citizens '96, Outreach Coordinator, 821 University Ave., Madison, WI 53706-1412, 608/265-4445, FAX 608/263-1952.

Survey of Innovative Voter Registration Programs Across the USA

Grade Level: Secondary/Adult

A 30-page manual listing programs in every state and the District of Columbia (1996). $5.00 plus $2.00 shipping/handling (quantity discounts available); Standing Committee on Election Law, American Bar Association, 740 15th Street, NW, Washington, DC 20005, Attn: Bonita Ross, 202/662-1692.

Curricula—

First Vote: A Teaching Unit on Registration and Voting

Grade Level: 12

Lessons address attitudes toward voting, preparing for adulthood, becom-

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ing a contributing member of society, and expanding the right to vote. Includes information about registering to vote and actual registration. Free; People for the American Way, 2000 M Street, NW, Suite 400, Washington, DC 20036, 202/467-4999.

KIDS VOTING
Grade Level: K–12
This licensed program is a 50/50 cooperation between the school system and the community. The KIDS VOTING curriculum is taught at all grade levels, and students accompany their parents to polling places to cast special ballots on election day. Licensees receive implementation manuals, curricula for all grades (1,300 pages) and on-site consulting. Licensing fee plus about $1.50 per child, about 35% raised in cash and the remainder in-kind (e.g., printing); KIDS VOTING, Marilyn Evans, President, 398 S. Mill Avenue, Suite 304, Tempe, AZ 85281, 602/921-3727.

Making History: A Social Studies Curriculum in the Participation Series
Grade Level: 7–12
Making History helps teachers prepare students for democratic participation in society. Students are encouraged to use their own experiences to assess controversial issues. Activities explore the meaning of empowerment in the community and the nation at large. Students review case studies of community action, study models for decision making, and discuss strategies for creating change. (90 pages) $19.00, nonmembers; $17.10, members; Educators for Social Responsibility, 23 Garden Street, Cambridge, MA 02138, 800/370-2515.

Political Decision in 30 Seconds
Grade Level: 6–12
A lesson on analyzing a 30-second political advertisement, including student participation in developing guidelines for producing responsible television ads. $3.00 (shipping included); Phi Alpha Delta Public Service Center, P.O. Box 3217, Granada Hills, CA 91394-0217.

Teaching Presidential Elections '96: A Guide for Educators
Grade Level: 9–12
A collection of more than a dozen simulation, discussion, and role-play activities. Includes reproducible handouts and a pull-out primary/caucus scorecard. *Teaching Presidential Elections* is FREE with a minimum purchase of $50.00 (before shipping and handling are added). Additional copies are available for $5.95 (code L1778-96); Close Up Publishing, 44 Canal Center Plaza, Alexandria, VA 22314-1592, 800/765-3131.

News Media Resources—

ANPA Foundation's 1992 Election Supplement
Grade Level: Middle School, but includes suggestions for adapting to other grade levels
A 12-page tabloid outlining lesson plans for classroom activities involving the use of newspapers to study national, state, and local elections. $25.00; Newspaper Association of America Foundation, Nancy Osbourne, 11600 Sun Rise Valley Drive, Reston, VA 22091, 703/648-1053.

Newsweek Social Studies Program
Grade Level: Secondary
Fall 1996 titles include "The Changing American Political Spectrum/Campaign 1996" and "Understanding Political Cartoons," plus a 1996 election map. Free with subscription to *Newsweek;* Newsweek Education Program, P.O. Box 414, Livingston, NJ 07039, 800/526-2595.

USA Decision: The Power of Each Voice
Grade Level: Secondary
The Classline Today, Teaching Plan, curriculum guide, student supplements, and "Path to the Presidency" poster accompany subscriptions to *USA Today* newspapers in the *USA Today* Classline Series. The curriculum guide addresses themes of responsibilities of citizenship, the election process, and election issues. The student supplements guide students through the decision-making process required of responsible voters. Teaching Guides $3.00/Supplements $.35; ask that teacher or school subscribe to newspaper; 1 per week for a 10-week time frame (newspapers cost $.30). Call 800/USA-0001 to be referred to appropriate regional office of *USA Today*, or call 800/757-8322 for Education Subscriptions.

Organizations—

Federal Election Commission
Has reports on topics such as ballot access, federal election statistics, and the Electoral College. Contact Federal Election Commission, 999 E Street, NW, Washington, DC 20463, 800/424-9530, ext. 4, or 202/219-3670.

Human SERVE: Campaign for Universal Voter Registration
Promotes the idea that allowing citizens to register to vote in an array of government agencies could raise registration and voting in the United States, especially among poorer and minority groups. Monitors adherence to the National Voter Registration Act. Contact Human SERVE, Campaign for Universal Voter Registration, 622 West 113th Street, Suite 410, New York, NY 10025, 212/854-4053.

Pamphlets—

Getting Out the Vote: Developing a Plan to Increase Voter Registration and Turnout
Grade Level: Secondary
Provides information that will begin to increase voter registration and turnout by assessing the factors that affect voters in addition to developing a plan of action that will impact elections. One copy free; additional copies $3.00 each (product code #5490040 45); American Bar Association, Service Center, P.O. Box 10892, Chicago, IL 60610-0892, 312/988-5522.

Getting Out the Vote: A Guide for Running Registration and Voting Drives (#424)
Grade Level: Voting-age students
A 16-page booklet explaining how to run a voter registration and "get-out-the-vote" drive. $1.25 each (quantity discounts available) plus $1 shipping and handling; League of Women Voters, 1730 M Street, NW, Washington, DC 20036, 202/429-1965.

How to Judge a Candidate (#818)
Grade Level: Secondary
This pamphlet describes seven steps on how to evaluate a political candidate. Also included are sections entitled "See through distortion techniques" and "Evaluate candidates' use of television," as well as a "Candidate Report Card" for the student to complete. $.75 each (quantity discounts available) plus $1 shipping and handling; League of Women Voters, 1730 M Street, NW, Washington, DC 20036, 202/429-1965.

How to Watch a Debate (#819)
Grade Level: Secondary
Subheadings include "Candidate Debates: A Behind-the-Scenes Look," "Impact of Debates," and "Rate the Debate." Suggested activities also included. $.75 each (quantity discounts available) plus $1 shipping and handling; League of Women Voters, 1730 M Street, NW, Washington, DC 20036, 202/429-1965.

Voting Rights and Registration Program
Grade Level: Secondary
Information designed to educate and encourage the public to register and vote. Special emphasis on educating students about their rights and responsibilities as first-time voters. One copy free; additional copies $3.00 each (product code #5490221 91F); American Bar Association, Service Center, P.O. Box 10892, Chicago, IL 60610-0892, 312/988-5522.

Simulations—

Campaign
Grade Level: 6–8
Designed to teach how to organize and run a campaign for any elected office, be it for a student council or for a mock government election on a local or national level. $34.00; Interact, 1825 Gillespie Way, #101, El Cajon, CA 92020, 800/359-0961.

Campaigns ... the Electoral College
Grade Level: 8–12
Designed to help students understand that the president of the United States is elected, not by a popular vote, but by that mysterious group "the Electoral College." This simulation will help them unravel the mystery and make what seems a boring concept an exciting experience. $26.00; Interact, 1825 Gillespie Way, #101, El Cajon, CA 92020, 800/359-0961.

Delegate: A Simulation of a National Political Party Convention
Grade Level: 7–9
Students are divided into five groups, from radical to reactionary, that work to build a platform and to select a nominee by bargaining and compromising with the various candidates. $22.00; Interact, 1825 Gillespie Way, #101, El Cajon, CA 92020, 800/359-0961.

Electors: A Simulation of the Electoral College Process
Grade Level: 7–9
Students play roles of the two major party candidates and the chairs of each state's electors. Features playing roles of the 1824 election, which resulted in a deadlock resolved in the House of Representatives. $26.00; Interact, 1825 Gillespie Way, #101, El Cajon, CA 92020, 800/359-0961.

Votes: A Simulation of Organizing and Running a Political Campaign
Grade Level: 7–9
Candidates, staff, and voters all play a role in this simulation. Committee members determine issue positions, disperse funds, and make decisions. $22.00; Interact, 1825 Gillespie Way, #101, El Cajon, CA 92020, 800/359-0961.

Votes: A Simulation of Organizing and Running a Political Campaign
Grade Level: 8–12
Designed to teach students the pressures and problems political parties face when working for votes in a political campaign. $22.00; Interact, 1825 Gillespie Way, #101, El Cajon, CA 92020, 800/359-0961.

Teaching Kits—

"Black Voting Rights"
Grade Level: Secondary
This portfolio of primary-source documents traces the struggle for black voting rights, beginning with the Reconstruction era after the Civil War. Includes four essays and 19 historical documents (e.g., "Opinion of W. E. B. Du Bois," *Crisis*, 1920). $35 plus handling; Jackdaw Publications, Division of Golden Owl Publishing, P.O. Box 503, Amawalk, NY 10501, 800/962-0022.

Choosing the President: The 1996 Presidential Election Kits
Grade Level: Middle/Secondary
A ready-made unit for teaching about the election process and how it works. Includes two videos, *Electing a President* and *The Presidency;* two posters, "The Path to the White House" and "The Electoral College"; plus a 52-page resource guide filled with questions and answers about the election, reproducible activity sheets written on three levels, a glossary, and much more. $119.50 plus 8% for shipping and handling; Knowledge Unlimited, Catalog Department, P.O. Box 52, Madison, WI 53701, 800/356-2303.

"Votes for Women: The Fight for Suffrage"
Grade Level: Secondary
This portfolio of primary-source documents traces the history of the American women's suffrage movement. Includes five essays and 14 historical documents (e.g., *The Revolution*, 1868

publication by Susan B. Anthony). $35 plus handling; Jackdaw Publications, Division of Golden Owl Publishing, P.O. Box 503, Amawalk, NY 10501, 800/962-0022.

Videos—

First Tuesday
Grade Level: 8 and up
A futuristic story in which a group of students sets out to reinstate voting, which had been eliminated in the U.S. due to apathy.
Length: 20 minutes. $20.00; San Diego Registrar of Voters, 5201 Ruffin Road, Suite 1, San Diego, CA 92105, 619/694-3403.

First Vote
Grade Level: 12
A collage of on-the-street interviews, teen discussion, and historical sequences addressing the responsibilities of being an adult, the importance of voting, the enfranchisement of minorities and young people, and the impact of young people's participation in changing their communities.
Length: 14 1/2 minutes. Contact Citizen Participation Project at People for the American Way for current cost; People for the American Way, Citizen Participation Project, 2000 M Street, NW, Suite 400, Washington, DC 20036, 202/467-4999.

Your Vote
Grade Level: Middle/Secondary
History of the right to vote in America, reviewing the development of universal suffrage, highlighting the people and events that won the vote for African Americans, women, Native Americans, and 18-year-olds.
Length: 27 minutes. $40.00; Taft Institute, 420 Lexington Avenue, Suite 2458, New York, NY 10170, 212/682-1530.

Also see "Webbing It" on page 14 for additional resources.

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Law-Related Education Essentials Matrix

From *Essentials of Law-Related Education*. © 1995 American Bar Association.

	TS p. 19	TS p. 37	SF p. 44
Subject Matter			
Power			
What key concepts and attributes are of U.S. constitutionalism			
democracy and republicanism		X	X
representative institutions and electoral democracy	X	X	X
Equality			
How the franchise (voting rights) has been extended to different social groups in American and other societies	X		X
Essential Documents			
U.S. Constitution and Bill of Rights	X	X	
Landmark U.S. Supreme Court Cases	X		
Contexts and Practices of Instruction			
Conditions Necessary for Effective LRE Instruction			
Access to, and use of, community resource leaders		X	X
Access to, and use of, exemplary instructional materials	X	X	X
Student-centered classroom	X	X	X
Problem-oriented approach to instruction	X		X
Developmentally appropriate instruction	X	X	X
Instructional Strategies			
Instruct interactively			
use cooperative learning strategies, simulations, and role plays	X		X
use group work activities, including group research projects		X	X
Develop curriculum			
relevant	X	X	X
deliberate in consideration of controversial issues	X		X
designed to examine public policy issues and help students make informed decisions about possible outcomes and weigh the consequences of these outcomes	X		X
Assessment			
Assesses students' values, interests, experiences, and knowledge prior to, and after, instruction	X		X
Bases assessment on performance and outcomes		X	
Skills			
Thinking			
Developing capacity for understanding when and how laws apply to specific fact situations	X		
Summarizing and synthesizing law-related information	X	X	
Developing capacity for understanding and evaluating controversies and conflicts arising from legal issues	X		X
Communications and Social Participation			
Developing capacity for communicating and interacting with those from diverse backgrounds and circumstances			X
Participating collectively in making rules and setting goals	X		
Working cooperatively with others to make decisions and take actions concerning hypothetical or actual legal and law-related social issues	X	X	
Attitudes, Beliefs, and Values			
Substantive			
Cultivating a commitment to constitutional democracy	X	X	X
Valuing informed, active, and responsible participation in civic life	X	X	X
Procedural			
Understanding how attitudes, values, and beliefs essential to LRE are fostered through teaching of fundamental subject matter employing critical instructional practices	X	X	X

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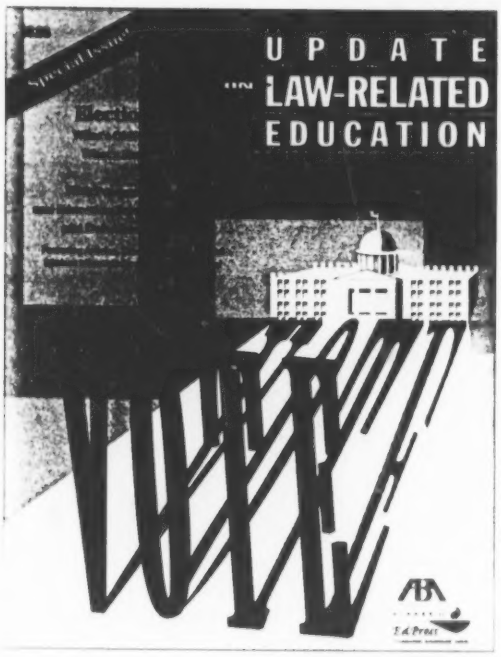

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